THE FEDERAL SERVICE

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STUDIES IN ADMINISTRATION

THE INSTITUTE FOR GOVERNMENT RESEARCH

THE FEDERAL SERVICE

A Study of the System of Personnel Administration of the United States Government

BY

LEWIS MAYERS, Ph.D., LL.B.

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THE INSTITUTE FOR GOVERNMENT RESEARCH

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The Institute for Government Research is an association of citizens for coöperating with public officials in the scientific study of government with a view to promoting efficiency and economy in its operations and advancing the science of administration. It aims to bring into existence such information and materials as will aid in the formation of public opinion and will assist officials, particularly those of the national government, in their efforts to put the public administration upon a more efficient basis.

To this end, it seeks by the thoroughgoing study and examination of the best administrative practice, public and private, American and foreign, to formulate those principles which lie at the basis of all sound administration, and to determine their proper adaptation to the specific needs of our public administration.

The accomplishment of specific reforms the Institute recognizes to be the task of those who are charged with the responsibility of legislation and administration; but it seeks to assist, by scientific study and research, in laying a solid foundation of information and experience upon which such reforms may be successfully built.

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PREFACE

Among the fundamental factors determining efficiency of public administration that of the system employed in securing, compensating, directing and controlling the personnel required for the conduct of governmental operations will always occupy first rank. No amount of care in determining how a government shall be organized for the performance of its work, the manner in which the funds necessary for its support shall be raised and expended, and the particular practices and procedure that shall be employed in carrying on its activities, will give even a measurable approach to efficiency in the actual administration of public affiairs unless a technically competent and loyal personnel can be secured and retained in the service and a system devised whereby this personnel may be effiectively directed and controlled.

In view of the importance of the subject it is little short of remarkable the slight attention that this problem has received as a problem. There is in existence a large body of literature dealing with what is known as civil service reform. This literature, however, scarcely touches more than one or two phases of the problem of personnel administration as a whole. Primarily it is concerned with the two related questions of entrance into the government service and the legal status, from the standpoint of tenure of office, of employees after entrance. Even in respect of these matters the interest of promoters of reform has been primarily in securing what may be termed political, as distinguished from administrative, reform. They have sought to purify our political life by the abolition of the spoils system and the prevention of undue partisan activities on the part of public employees. Only in comparatively recent years have persons either inside or outside of the govern-

ment begun to concern themselves with other phases of personnel administration.

As soon as studies of this latter character began to be attempted it was at once seen that the personnel problem was an exceedingly complicated and difficult one. It involved such elements as the determination of the positions to be filled and the qualifications required of their incumbents; the classification of these positions to the end that appropriate rates of compensation might be fixed and the line of advancement clearly indicated; the fixing of the tenure of office; the determination of the method of recruitment of new employees and the machinery and methods to be employed in securing such employees; the adoption of systems for testing efficiency and of rules to govern promotions, transfers, demotions and separations from the service; and the provision of a retirement system that will take care of the financial needs of those employees who are dropped from the rolls on account of incapacity resulting from old age or disabilities acquired while in the service.

All of these represent factors that must be studied, and studied with great care, if a proper personnel system is to be secured. The present volume attempts such a study of this problem as it confronts the national government. No such work has ever been attempted before. It is at once descriptive, critical and constructive. It seeks to make known in detail existing conditions regarding each phase of the federal personnel system, to point out wherein these conditions are satisfactory or the reverse and the lines along which changes should be made to bring about better conditions. The only personnel topic not handled is that of the provision made for the retirement of civil employees. Important as this subject is, consideration of it was omitted partly on account of its special character and partly due to limitations of space. The Institute moreover has already prepared a volume dealing with the principles governing the retirement of public employees, and it hopes before long to publish one dealing spe-

cially with the civil service retirement system of the national government.

The publication of this work is especially timely due to the fact that the national government now has under way an ambitious plan to reorganize thoroughly its present personnel system on the basis of the recommendations of its Congressional Joint Commission on Reclassification of Salaries that reported on March 12, 1920. Throughout this work these recommendations are passed in review and their merits commented upon.

The author of the present volume, Mr. Lewis Mayers, is exceptionally qualified for his task. He took his doctor's degree in political science at Columbia University in 1914. For three years he was with the Civil Service Commission of New York City, first as examiner, and later as chief of the Bureau of Service and Efficiency Records, positions which brought him into immediate contact with the practical problems of personnel administration. While serving on the staff of the Institute for Government Research his work was almost wholly in this field of public administration. Owing to the fact that Mr. Mayers left the Institute before his volume was put through the press, certain changes have been made in the manuscript as submitted by him for which he is not responsible. This is especially true of Chapter VII.

W. F. Willoughby.

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THE FEDERAL SERVICE

THE FEDERAL SERVICE

CHAPTER I

INTRODUCTORY

The present volume concerns itself almost exclusively with the personnel of the civil service of the executive branch of the government. The employees of Congress [1] and of the judicial branch [2] of the government are not at any point considered in the body of the discussion, but they receive incidental mention. Similarly, the personnel of the municipal government of the District of Columbia is excluded from consideration as not being properly a part of the federal service.

Although the executive civil service is clearly distinguished, for the most part, from the military and naval services, two branches of the former may be regarded as quasi-military and naval. The organization of the medical officers of the Public Health Service is in many points similar to that of the military and naval services and in time of war these officers may be detailed, at the direction of the President, to the army or the navy. When so detailed they do not lose their civilian status unless they choose to accept temporary commissions in the military or naval forces. Their commissions in the Public

[1] The Library of Congress is not discussed, because it is under the control of the legislative branch, although the Librarian and the Superintendent of the building are appointed by the President by and with the advice and consent of the Senate.

[2] It is understood, of course, that aside from the judges and commissioners only the clerical employees of the courts are regarded as falling in the judicial branch. The marshals and their deputies, and the custodial employees attached to the buildings where the courts sit, are employees in the executive service, being under the direction of the Department of Justice and of the Treasury Department, respectively.

Health Service, moreover, do not obligate them to serve for any given term of years. The Public Health Service consequently has been regarded in this volume as essentially a civilian service.

The Coast Guard, on the other hand, although not strictly a part of the naval service, has been, especially recently, so largely assimilated in that service with respect to the personnel that it has been treated as outside the range of the present discussion. Not only may the service as a whole in time of war be made an integral part of the naval service (as it was during the late war) but even when on a peace footing enlistment in the Coast Guard service is for a definite term of years.

As used in the following pages, then, the term executive civil service embraces all officers and employees of the federal government except those of the legislative and judicial branches, the army, the navy, the Coast Guard, and the District of Columbia.

A term frequently encountered in dealing with federal governmental matters is "departmental service." This refers to all the personnel attached to the central offices of the several departments, bureaus, and services at Washington, and is used in contradistinction to "field service," which embraces all personnel of all services outside of Washington,[1] with the exception of those in the consular and diplomatic services, which are collectively designated as the "foreign service."

Size of the Executive Civil Service.—The most recent reliable figures available regarding the extent and distribution of the federal executive civil service are those published by the Bureau of the Census in the Official Register of the United States for 1919. These figures show the number and distribution of the executive civil service on July 1st, 1919, to have been approximately as follows:

[1] The personnel of establishments which, while they happen to be located in Washington, are not attached to the central administration, is regarded, of course, as falling in the field service. The Washington navy yard and the Washington post office are the two chief establishments in this class.

APPROXIMATE NUMBER OF EMPLOYEES IN THE EXECUTIVE AND ADMINISTRATIVE SERVICES OF THE FEDERAL GOVERNMENT, JULY 1, 1919.[1]

The White House	47
Department of State	2,019
Treasury Department	61,640
Department of Justice	5,722
War Department (August 1, 1919)	195,256
Navy Department	107,788
Post Office Department	286,840
Department of the Interior	18,660
Department of Agriculture	22,972
Department of Commerce	10,632
Department of Labor	3,675
Interstate Commerce Commission	2,214
Civil Service Commission	306
Federal Reserve Board	167
Federal Trade Commission	335
United States Shipping Board (including Emergency Fleet Corporation)	11,071
The Panama Canal	17,594
Government Printing Office	4,773
Smithsonian Institution	433
Alien Property Custodian	328
Other Independent Establishments, Boards, Commissions, etc.	4,623
Total (approximate)	757,095

On July 1, 1919 the total number of civil employees in the executive and administrative services of the federal government amounted to something over 750,000. In considering this figure it is to be taken into account, of course, that the personnel of many of the services was somewhat swollen as the result of conditions growing out of the war. On the other hand, it has been demonstrated that the greater number of the services thus affected will continue to require a personnel far in excess of that which they had prior to the war, while some, for example, the Bureau of Internal Revenue, will probably undergo enlargement. The total given thus may be taken as representing in an approximate manner the size of the civil personnel of the executive and administrative branches of the federal government.

[1] The details are given in the Appendix, Table I.

Geographical Distribution of Executive Civil Service.—A factor of no little importance in considering the size of the executive civil service is that of the distribution of this force between the departmental personnel at Washington and the field services whose duties are performed at points outside of the seat of government. The tendency is very pronounced to look upon Washington as the seat of the government's activities and to over-emphasize the problems of personnel having to do with the departmental services. In fact, much of the work carried on in Washington is but the supervision and the official recording of the real work which is done at various points throughout the country. Such central control and record work requires, of course, clerical labor in far greater proportion than does the actual technical or industrial work controlled and recorded. Washington is, moreover, the seat of those relatively few yet large services where work is almost exclusively clerical—the Veterans' Bureau, the Pension Office, the Census Office, and the like. Even with all these factors present, however, the purely clerical population of the government establishments in Washington is much less than is commonly supposed.

The distribution of the federal personnel between Washington and the field on June 30, 1919, as derived from the tabulation of the Census Bureau [1] is given opposite.

No general figures are available of the distribution of the federal personnel among the several cities and states, but figures compiled by the Civil Service Commission in 1913, show that there were in the classified service in New York City in that year 20,007 persons, including 11,031 in the Post Office Service, 3,869 in the Navy Yard, 2,607 in the Customs Service, 436 in the Immigration Service, 351 in the Railway Mail Service, and 261 in the Lighthouse Service.[2]

In addition to the 20,000 or more "classified" employees there shown there were laborers, numbering, doubtless, several thousands.

[1] *Official Register of the United States*, 1919, pp. 10 to 12.
[2] The details are given in the Appendix, Table II.

APPROXIMATE NUMBER OF CIVIL EMPLOYEES IN THE EXECUTIVE AND ADMINISTRATIVE SERVICES OF THE FEDERAL GOVERNMENT, JULY 1, 1919, CLASSIFIED BY LOCATION

Services	Employed in District of Columbia	Employed Outside of District of Columbia	Total
The White House	47	—	47
Department of State	1,132	887	2,019
Treasury Department	28,366	33,274	61,640
Department of Justice	734	4,988	5,722
War Department (Civilian employees)	17,660	177,596	195,256
Navy Department (Civilian employees)	10,505	97,283	107,788
Post Office Department	1,784	285,056	286,840
Department of the Interior	5,562	13,098	18,660
Department of Agriculture	5,056	17,916	22,972
Department of Commerce	2,198	8,434	10,632
Department of Labor	766	2,909	3,675
Interstate Commerce Commission	806	1,408	2,214
Civil Service Commission	260	46	306
Federal Reserve Board	143	24	167
Federal Trade Commission	335	—	335
United States Shipping Board, Emergency Fleet Corporation	2,035	9,036	11,071
The Panama Canal	138	17,456	17,594
Government Printing Office	4,773	—	4,773
Smithsonian Institution	433	—	433
Alien Property Custodian	294	34	328
Bureau of Efficiency	24	—	24
United States Tariff Commission	54	—	54
Employees' Compensation Commission	49	—	49
Federal Board for Vocational Education	387	2,054	2,441
State, War, and Navy Buildings	1,806	—	1,806
Council of National Defense	91	—	91
Boards, Commissions, etc.	158	—	158
Grand Total	[1] 85,596	671,499	[1] 757,095

[1] This total does not include the following: 2164 officers and employees of the Senate and House of Representatives; the 1363 officers and

On July 1, 1919, the total number of civil employees located in Washington was slightly in excess of 85,000. If to this is added the number of civil employees attached to Congress and other employees indicated by the footnote, the total amounted to approximately 100,000. It is probable that this number has undergone some diminution as the services have more and more adjusted themselves to peace conditions. On the other hand, the constantly increasing scope of the activities of the national government brings with it a corresponding increase in personnel. It is thus not far out of the way to view the problem of the departmental personnel at Washington as one having to do with a total of from 80,000 to 100,000 employees.

Character of Employments in the Executive Service.—An appreciation of the diversity of occupations in the federal civil service is indispensable for a real understanding of the federal personnel problem. When that diversity is grasped, the impracticability becomes apparent of attempting to apply to the whole of the federal service a single uniform and unvarying rule or practice with respect to any one of the major elements of personnel administration.

There exists no single comprehensive classification of all federal employments so presented as to give merely by the titles a complete picture of the service. The recent report of the Reclassification Commission has presented, however, and for the first time, a comprehensive classification of positions found in the federal departments at Washington. The classification proposed by the Commission groups all the positions at Washington into 376 distinct categories, each of which is known as a series. Each series embraces positions involving

employees of the Railroad Administration, on duty in Washington; the 2400 yeomen (F); an average of 1900 temporary laborers on outside work for the District of Columbia; the 5627 regular employees of the District of Columbia; nor the 568 employees of the Library of Congress. Adding these omitted classes to the totals given above, the result would equal the corresponding totals given on page 10 of the *Official Register* for 1919, as follows:

Employed in the District	99,618
Employed outside of the District	671,499
Total	771,117

substantially the same kind of work. The series are subdivided into what the Commission terms classes on the basis of the difficulty of the exact duties performed and the degree of responsibility involved. The total number of these classes is 1,762.

Undoubtedly were a similar form of classification to be extended to the field services, the total number of series and of grades would be greatly enlarged.

Passing to the matter of the numerical distribution of the personnel among these numerous classes of employment, the multiplicity of specialized employments makes any brief, summary classification difficult and largely arbitrary. For the purpose in hand, however, they may be regarded as falling roughly into six broad groups: (1) directing, (2) technical or professional, (3) specialized, (4) clerical, (5) mechanical, and (6) labor.

The broad distinctions indicated by these terms are sufficiently clear, except as to that between the technical, or professional, and the specialized personnel. The distinction here intended to be drawn is of basic importance in any consideration of the federal personnel problem. Under the term professional, or technical, personnel are included all those various employments which require qualifications and give experience substantially similar to what is involved in the business, professional, or academic world. Such, for example, are the positions of physician in the Public Health Service, attorney in the Department of Justice, or of engineer in the War Department. By specialized personnel are meant those positions which, while frequently requiring a high degree of skill and experience, are peculiar to the government service and are not found in the outside world. The posts of Superintendent of Mails, of Indian Superintendent, and of Consul, are examples of this group.

The classes which have been indicated, of course, are not sharply marked off from one another. The higher clerical positions merge in many instances into what has been designated the specialized class, and, in some cases, into the direct-

ing class; and the line between the professional and the specialized classes, which has just been drawn, is not clear at all points. Nevertheless, for purposes of discussion, the distinctions drawn are real and useful.

Since the classification suggested is wholly unofficial, no figures, or even primary data, exist from which the numbers embraced in the several classes can be accurately determined. Such figures would be of great value in furnishing the true perspective in which all proposals bearing on personnel administration should be viewed. There are available, however, figures compiled in 1907 by the Census Bureau as the result of a special census of government employees.[1]

The figures recognize each of the classes above mentioned except the specialized class, the members of which were regarded as falling under one or another of the other classes, presumably chiefly under the clerical and the technical; postal and railway mail clerks being classified, for example, as clerical. The figures given below are as of July 1, 1907, and are based on the titles of the positions held by the incumbents and not on a statement of their duties. The report of the Reclassification Commission emphasizes the fact previously proven that the titles are not descriptive. The title "clerk," for example, embraces many who are in reality stenographers, computers, and calculators, or followers of some other specialized occupation. The figures, therefore, should be regarded only as giving a general picture of the service, not precise details.

EXECUTIVE CIVIL SERVICE EMPLOYEES, 1907, CLASSIFIED BY OCCUPATIONS[2]

Executive:	
Chiefs of divisions, chief clerks, and officers in charge ..	985
Heads of Departments, independent offices, and bureaus ..	165
Heads of local offices	331
Melters, Mint and Assay Service	355
Superintendents, miscellaneous, not including superintendents of construction	187
Superintendents of Indian schools	134
Total: Executive	2,157

[1] "Statistics of Employees, Executive Civil Service of the United States," by Lewis Meriam, 1907, Bureau of the Census, Bulletin 94.

[2] Taken from Table 74, p. 117, of "Statistics of Employees."

EXECUTIVE CIVIL SERVICE EMPLOYEES, 1907, CLASSIFIED BY OCCUPATIONS—*Continued*

Professional, technical, and scientific:	
Architects	7
Attorneys	89
Botanists	106
Chaplains	3
Chemists and physicists	182
Curators	29
Draftsmen, artists, illustrators, etc.	1,068
Electricians and dynamo tenders	215
Engineers, civil, mechanical, and electrical	993
Engravers	123
Fish culturists	42
Geographers, geologists, and paleontologists	129
Inspectors, live stock, meat, and dairy products, and veterinarians	1,987
Inspectors, steam vessels	174
Internes	4
Masters, mates, pilots, and captains	702
Members of Board of Pension Appeals	28
Musicians	40
Nurses	142
Observers, Weather Bureau	391
Patent examiners	303
Pharmacists	55
Physicians and surgeons	449
Scientific experts and investigators	715
Special agents, experts, appraisers, and commissioners	1,403
Statisticians	82
Surveyors and levelers	143
Technical employees, Mint and Assay Service	77
Zoölogists	64
Total: Professional, technical, and scientific	9,745
Clerical:	
Bookkeepers, accountants, pay clerks, etc.	755
Carriers, mail	62,084
Cashiers and tellers	302
Clerks	38,168
Computers and calculators	57
Editors and compilers	56
Interpreters	167
Law clerks	212
Librarians	84
Office deputy United States marshals	917

EXECUTIVE CIVIL SERVICE EMPLOYEES, 1907, CLASSIFIED BY OCCUPATIONS—*Continued*

Postmasters, assistant	1,202
Private secretaries	111
Railway postal clerks	13,924
Stenographers and typists	1,512
Storekeepers	335
Superintendents or clerks in charge of stations	2,001
Teachers	655
Telegraph and telephone operators	74
Translators	20
Total: Clerical	122,636
Mechanical:	
Building tradesmen	394
Engineers, steam	1,413
General mechanics	397
Leather workers	153
Lithographers	15
Metal workers	2,580
Photographers	43
Plate printers	708
Printing tradesmen	1,801
Woodworkers	1,092
Total: Mechanical	8,596
Sub-clerical and manual labor:	
Apprentices	183
Assistant microscopists	—
Cooks and bakers	548
Custodians and miscellaneous keepers	362
Domestics and waiters	319
Farmers	469
Firemen	1,146
Foremen	1,000
Gaugers	2,301
Guards	1,974
Hospital attendants	847
Industrial teachers	83
Janitors, cleaners, scrubbers, charwomen, etc.	2,081
Keepers, Light-House Service	1,566
Laborers, unskilled	9,564
Matrons	486
Messengers	2,036
Openers and packers	593

EXECUTIVE CIVIL SERVICE EMPLOYEES, 1907, CLASSIFIED BY OCCUPATIONS—*Continued*

Samplers	133
Skilled laborers and workmen	6,968
Stewards and quartermasters	189
Stock examiners and taggers	556
Surfmen, Life-Saving Service	1,675
Surveymen	171
Watchmen, detectives, doorkeepers, gatemen, and elevator conductors	1,847
Total: Sub-clerical and manual labor	37,097
Miscellaneous:	
Commissioned officers	139
Deputy collectors	2,080
Inspectors, Customs Service	1,528
Inspectors, immigrant, Chinese, sanitary, and school	482
Inspectors, post office	398
Inspectors, work and materials	797
Student assistants and collaborators	101
Officers of tribal courts	118
Total: Miscellaneous	5,643
Grand Total	185,874

While this table is valuable as reflecting the diversity of the occupations in the service and indicating roughly their numerical distribution, a summary compiled from the foregoing would be misleading, owing to the omission from the table, for special reasons not here relevant, of 62,663 postmasters, 18,376 mechanics and laborers at Navy Yards and Naval Stations, and 12,850 clerks in post offices not having free delivery; and because in the table the great body of letter carriers, railway mail clerks, and postal clerks are grouped under the clerical class, a grouping which, however correct technically, fails to bring out the clear line between these specialized employees and the ordinary clerical employees of the government. In the following summary table the omissions mentioned have been remedied and the figures for the postal service set out separately. The War and Navy Departments,

owing to the large mechanical and labor forces employed in arsenals, navy yards, and the like also present special points of interest which makes it desirable that they be set out separately.

EXECUTIVE CIVIL SERVICE EMPLOYEES, 1907, CLASSIFIED BY MAIN GROUPS OF OCCUPATIONS

Groups	All Services	Total	Other than Post Office Department		Post Office Department
			Other than War and Navy Departments	War and Navy Departments	
Total	279,763	97,439	57,487	39,952	182,324
Executive	2,157	2,020	1,741	279	137
Professional, Technical, and Scientific	9,745	9,714	7,825	1,889	31
Clerical	198,149	17,775	13,499	4,276	180,374 [1]
Mechanical ...	26,972	26,888	4,112	22,776 [2]	84
Sub-clerical and Labor	37,097	35,793	25,821	9,972	1,304
Miscellaneous .	5,643	5,249	4,489	760	394

[1] All postmasters, 62,663 in number, have been included in this item, although some hundreds of them in charge of the larger offices would more properly be classed as executive; 12,850 clerks in offices not having free delivery, excluded from the previous table, are also included in this item.

[2] 18,376 mechanics and laborers in Navy Yards not included in the preceding table are included in this item, it being impossible to distinguish between those properly classed as mechanics and those properly classed as laborers.

Examination of these figures discloses that, in 1907, if the Postal Service, which, of course, is in a class by itself, be excluded, the clerical employees of the government numbered less than 20 per cent of the whole. They were outnumbered by the mechanical employees, who comprised some 28 per cent, and they were less than half as numerous as the subclerical and labor employees (subclerical includes messengers, watchmen, etc.) and they were less than twice as numerous

as the professional, technical, and scientific group. These calculations embrace, however, the War and Navy Departments with their arsenals and navy yards employing the greater proportion of the mechanical employees above referred to as comprising 28 per cent of the whole. Even if these two departments be excluded from consideration, however, the clerical employees will be found in the 1907 figures to total considerably under 25 per cent of the whole, the professional employees about 13 per cent, mechanical employees about 7 per cent, and the subclerical and labor employees over 45 per cent.

While the federal service, of course, has expanded enormously since 1907, it is probable that the relative distribution of the personnel to-day would not be widely different from that disclosed by these figures. What changes have taken place doubtless have been in the direction of increasing the relative importance of the technical and mechanical employees. Even before the war, the tendency was increasingly toward an enlargement of the government's own arsenals and naval ordnance factories; while the scientific research bureaus experienced a very rapid development in the decade preceding the war.

It is thus even truer perhaps to-day than the tables presented show it to have been in 1907, that the "government clerk" is by no means so dominant a factor in the federal personnel problem as he is conceived in the popular imagination.

The conception of the national governmental machine as a vast circumlocution office occupied solely by clerks engaged in the preparation, copying, filing, and indexing of official papers may have had some validity a few score years ago; but it is now utterly erroneous. In only a few of the services is the burden of the real work carried on by clerks. In almost every case the work requires and is performed by technical men. The exaggerated number of clerical workers in the conventional personnel picture is doubtless due in part to the fact that when the average citizen comes into contact with the operations by the government at all, it is generally with a clerk that he has to do business. The innumerable and extensive

technical, industrial, inspectional, and protective services of the government are carried on silently and without the knowledge of the man in the street.

Regarding government employees in the District of Columbia, more recent statistics have been supplied by the Congressional Joint Commission on Reclassification of Salaries. The Commission's figures relate to April 30, 1919, and include all employees within their jurisdiction who work full time and who receive, in addition to their salaries, no allowance for board and lodging. All public employees in the District of Columbia are included except those in the Postal Service and in the Navy Yard. The figures, therefore, include the teachers, the police, the firemen, and other municipal and court employees who are beyond the scope of the present volume.

In using these statistics, it should be borne in mind that the grouping of classes into services used by the Commission is not based on general statistical considerations. This grouping has attempted to place in the same service, or in the same series within a service, the classes of positions which may lie within the same line of normal advancement. Since one of its aims was to work in the direction of making possible successful careers in the government service, it has at times put into the same service positions requiring very general, elementary qualifications and those requiring high technical, or scientific, attainments in the same line, and almost uniformly it has placed administrators in the same service with the employees they administer. Only when the work supervised falls in two or more different services are the administrators commonly placed in a distinct service. The statistics of this grouping were compiled for individual classes set up to aid the Commission in arriving at its recommendations regarding salaries and not to give a statistical picture of the government service at Washington. They may be used, however, for this latter purpose, and a summary of them is presented in the tabular statement that follows.

These statistics, it should be noted, are based, not on the

official payroll title of the employee, nor upon the common or office title, but on a statement of the duties actually performed by the employee, as given both by the employee himself and his immediate superior. In this respect they are much more accurate and reliable than figures based on titles.[1]

CIVIL EMPLOYEES IN THE DISTRICT OF COLUMBIA WORKING FULL TIME AND RECEIVING NO ALLOWANCE, APRIL 30, 1919[2]

Services involving clerical, office, or commercial work (exclusive of statistics):	
Administrative and Supervisory Clerical Service	543
Assessor and Appraiser Service	80
Court Clerk and Docket Service	81
Departmental Publications and Information Service	1,030
Fiscal and Accounting Service	6,624
Mail, File, and Record Service	18,044
Messenger Service	3,433
Office Appliance Operating Service	2,057
Personnel Service	1,277
Specialized Business Service	624
Supply and Equipment Service	3,179
Telephone and Telegraph Operating Service	510
Typing, Stenographic, Correspondence, and Secretarial Service	15,929
Miscellaneous Clerical Service	5,737
Total	59,148
Services involving the skilled trades, manual labor, public safety, or related work:	
Custodial and Janitor Service	3,908
Detention and Reformatory Service	36
Domestic Service	198
Engineman Service	611
Farm, Garden, and Park Maintenance Service	347
Fire Service	634
Investigational and Inspectional Service	160
Marine Operating Service	13
Police and Criminal Investigation Service	892
Printing Trades Service	7,717

[1] For an interesting demonstration of how meaningless position titles in the government service are, see the report of the Reclassification Commission, Part I, p. 44, *et seq.*

[2] For a more detailed statement, see Appendix, Table III.

CIVIL EMPLOYEES IN THE DISTRICT OF COLUMBIA WORKING FULL TIME AND RECEIVING NO ALLOWANCE, APRIL 30, 1919—*Continued*

Skilled Trades and Labor Service:		
Chauffeur	450	
General Carpenter	302	
Electrician	167	
Elevator Conductor	256	
Laborer	1,069	
Freight Handler	493	
Mail Bag Sewer	113	
Mailer and Wrapper	141	
Helper, Mechanical Trades	407	
Packer	132	
Teamster	175	
Shop Porter	1,112	
Laboratory	100	
Other classes	1,530	6,447
Total		20,963
Services involving scientific, technical, professional, or subsidiary work:		
Actuarial Service		8
Agricultural Promotion and Extension Service		252
Architectural Service		288
Arts Service		468
Biological Science Service		537
Chaplain Service		2
Community and Recreation Service		41
Economic and Political Science Service		156
Educational Service		2,058
Engineering Service		2,072
Law and Examiner Service		2,712
Library Service		619
Medical Science Service		136
Nursing Service		56
Patent Service		435
Physical Science Service		889
Social Science Service		349
Statistical Service		[1] 3,243
Translating Service		124
Total		14,445
Grand Total		94,556

[1] All but 103 of these are in statistical clerical or mechanical tabulation work.

Women in the Executive Civil Service.—The extent to which women are or may be employed in a service has an important bearing on many problems of personnel administration. The earlier history of the employment of women in the federal civil service is given in a letter from Charles Lyman, Civil Service Commissioner to Hon. Henry W. Blair of the House of Representatives, dated June 19, 1894. The letter reads in part as follows:

Women were first employed in the public service in Washington under authorization of law in 1862, at a compensation of $600 per annum, and in the office of the Treasurer of the United States, under General Spinner.[1] Previous to that time a few women had been employed temporarily in the office of the Secretary of the Treasury, not, however, in a clerical capacity, but in the mechanical labor of clipping the fractional currency.

Shortly after the organization of the Internal Revenue Bureau in August, 1862, probably as early as the 1st of January, 1863, and perhaps earlier, a few women were employed in that bureau at a salary of $600 per annum. Subsequently the salaries of women were increased in the appropriation acts to $720 per annum and to $900 per annum; and for a number of years no women were employed at a salary above $900, and that grade was practically monopolized by them, but few men being appointed thereto. In a few instances women were promoted to $1,000 and $1,200 salaries, and even to higher grades, before the passage of the civil service law; but these cases were rare exceptions.

The effect of the Civil Service law, however, aided by a gradual change in public sentiment in relation to the employment of women in occupations before monopolized by men, has been to open to women in the public service the higher grades; and at the present time (June 14, 1894), a large number of women have won their way, in competition with men, into the more lucrative and responsible places in that service.

Since promotions in the departments have been made on the basis of efficiency records kept in the departments, and the more or less close competitive tests which have supplemented those records, there has been a decided increase in the propor-

[1] A letter from General Spinner to Colonel Frank Jones, written in 1886, states that these women were employed in trimming and counting bank notes, which they could do better and cheaper than men.

tion of women promoted, which shows that when women in the public service have a fair and even chance with the men, they win their full share of the lucrative and responsible positions.

There is no doubt that the employment of women in the public service has, on the whole, had a beneficial effect upon that service, and has measurably increased its efficiency. . . .

For 1907 the Bureau of the Census published fairly complete statistics regarding the number of women employed, their salaries, and their occupations as well as their age, marital condition, and length of service. This compilation showed that on July 1, 1907, there was a total of 13,821 women in the civil service, of whom 7,358 were employed in the District of Columbia and 6,463 elsewhere. The number employed in the District of Columbia represented somewhat less than 8 per cent of the total number of government employees there employed and they were of far less relative importance among employees outside of Washington. The tendency of the years immediately preceding the war was undoubtedly toward a substantial increase in the employment of women, and the war brought a great influx into the government service of women war workers. Within two years the number of employees in the service at Washington more than doubled and the greater part of this body of new employees were women.

The Congressional Joint Commission on Reclassification of Salaries compiled statistics regarding the sex of the employees in the numerically important classes in the service at Washington. All classes containing 100 or more employees were taken; and for these classes the percentage of the total made up of women was approximately 62. In other words, three employees out of five in these classes were women. The figures for each of these numerically important classes are given below. It will be noted that all the large clerical classes and the educational classes have been included and that the proportion of women is very high in such classes. If the smaller classes had been included, the proportion of women would have been reduced considerably.[1]

[1] See Appendix, Table III.

PART I

THE ELIMINATION OF POLITICS FROM THE EXECUTIVE CIVIL SERVICE

CHAPTER II

INTRODUCTORY

Dual Character of the Federal Personnel Problem.—The federal personnel problem, like the problem of any public personnel system, is both a political and an administrative one. The political problem is purely a negative one—how to exclude from the workings of the personnel system the influence of politics and of politicians. Not until this problem has been substantially solved can the positive and technical problems of personnel administration, or indeed of administration generally, be successfully attacked. As was forcefully stated by Franklin MacVeagh, Secretary of the Treasury, in 1910, in discussing the problem of administrative improvement in his department:

> Any one, however, who comes close to the practical administration of the Federal Government—or of any other government—soon becomes aware that everything ultimate or final in the excellence of administration must wait upon the complete inclusion of all non-political offices within the classified service, and that progress in the administration meanwhile will materially depend upon the broadening of that service.[1]

[1] Quoted in the Twenty-seventh Report of the United States Civil Service Commission (1910), p. 137. As will be shown in the following chapters, the inclusion of all non-political officers in the "classified service," using that term technically, is not indispensable. What is essential is that their selection be placed upon a formal merit basis. This can be accomplished without their inclusion in the classified service, very desirable though such inclusion would be.

There is a too easy and general assumption that in the federal service this problem of entirely divorcing the administration of personnel matters from politics has been met with substantial completeness. Such is far from the case. The present volume is accordingly divided into two parts—the first dealing with the measures necessary to effect the complete divorce of the personnel system from politics, the second with the problem of personnel administration proper. Necessarily, however, even in the second section consideration must be given at many points to the safeguarding of personnel methods from political influence, for not only has the complete expulsion of politics from the personnel system contended for in the first section not yet been achieved; but even if it had been, there would be need of eternal vigilance to prevent its reentry.

Elimination of the Political Factor in Selection the First Essential to an Efficient Personnel System.—In any attempt to divorce a public personnel system from politics or related improper forces, the obvious point of attack is the system of selection. So long as politics dominates, or has any substantial influence in, the process of initial recruitment no substantial progress can be made in eliminating it from the administration of the personnel system proper. Only when the entire administrative personnel, and in particular the directing personnel, are originally selected wholly without regard to political or cognate influence will it be possible to eliminate political influence in assignment, promotion, demotion, increases or reductions of salary, removals, retirement, and other substantive matters.

To discuss at length the evils which flow from the selection of the administrative personnel of the government on political grounds instead of on merit is unnecessary. They are too obvious and too widely recognized. It should be pointed out, however, that the entrance of politics into the selection of employees is far more serious when it affects local offices than when it affects the offices at Washington. The local employee who is selected for political reasons remains

an active political factor, at all times more or less under the eye of those politicians to whom he owes his place, and politics attends his footsteps at every point in his official history. The officer or employee who receives appointment at Washington, on the other hand, frequently becomes of no account as a direct political factor, and, in time, may lose any outstanding character as a political appointee and be hardly distinguishable from those who entered the service entirely by merit.

Again, from the standpoint of personnel administration, it should be noted that the selection of the directing personnel by politics, while the subordinate personnel are selected on a merit basis, has an evil influence far out of proportion to the actual numbers of the directing personnel. In the first place, the political selection of the directing personnel obviously means that they are selected from outside the service and, consequently, advancement to higher posts in the service is barred to the permanent subordinate personnel, except in those instances, fortunately few, in which the permanent employee is also active in politics. This is notoriously the condition in the federal service at the present time. Only in the strictly technical services is the chief directing personnel now normally selected on merit. The geologist may become Director of the Geological Survey, the physician, Surgeon General of the Public Health Service. Once the strictly technical services are left behind, however, the situation changes abruptly. The customs inspector or appraiser can never become, in the ordinary course, Collector of Customs, the immigrant inspector, Commissioner of Immigration, the clerk or examiner in the internal revenue office, Collector of Internal Revenue. Similarly, in the services at Washington which are not strictly technical, the clerk, examiner, or minor executive, who, through long service and innate ability, has qualified himself for administrative work of the first order is barred from the headship of the service, from the deputy headship, and, very frequently, from several of the other more important administrative positions at the top of the service, not to mention the assistant secretaryship of the department. Occasional excep-

tions are found to this rule; but they are not frequent enough really to color the picture. It thus may be said with substantial accuracy that one entering the service of the government in a minor administrative, statistical, or legal capacity has no reasonable expectation of rising to the head of the service.

The second reason why the political selection of the directing employees is so disastrous is that such officers must, in any system, be permitted a large measure of discretion in their control over the fortunes of the subordinate personnel, particularly with respect to such matters as assignment, transfer, promotion, salary increases, and the like. Where the administrative officer, himself a political appointee, is vested with authority in these matters, his action in respect to them, however honorable, and however single in its purpose to advance the good of the service, is always open to the suspicion of having been dictated by political considerations. The destructive effect of this atmosphere of suspicion on the morale of the subordinate personnel need not be enlarged upon.

Closely related to this aspect of the matter is the fact that, where the directing personnel are admittedly political appointees, they naturally, and indeed almost inevitably, continue to be politically active while in public office. At the same time nothing is better established than that the success of a public personnel system demands that severe restrictions be placed upon the political activity of permanent non-political employees. But the difficulty of enforcing these restrictions upon the subordinate personnel through the medium of a superior who is himself, in the nature of the case, primarily interested in the maintenance of political activity, is readily imagined. Even where the political head of the establishment takes no step to encourage it, and even in fact where he may publicly announce his opposition to it, there is always the temptation to the employee so minded to believe that a judicious amount of political activity would be acceptable to the head. Despite severe regulations to the contrary, therefore, it has been found impossible in the federal service entirely to

suppress political activity among the subordinate employees of those local offices in which the heads are political appointees.

Pernicious as the appointment of the directing personnel is from any administrative standpoint, it is especially baneful in its effects on personnel administration. The political appointee, however able an administrator he may be in general, is seldom able to administer personnel matters as effectively as the permanent non-political officer. The reason is that, not having himself served in the ranks, and made the service his life work, he finds it difficult to put himself in the position of the employee, and indeed not infrequently does not think it necessary to do so. It is undoubtedly largely on this score that the failure of the federal personnel system to develop along advanced lines, even within the area where Congress has permitted the President and the departmental officers wide latitude, is to be explained. The effective development of personnel policies is not reasonably to be expected from political careerists, however well intentioned.

The evil results of the political selection of subordinate employees need only be mentioned to be recognized. Looked at solely from the standpoint of the personnel system, such selection means inefficient service, improper control by the heads of the service through inability to remove or demote those appointed for political reasons, unfairness in promotion, advancement, and the like, and the weakening of the morale of the non-political personnel, which follows as a necessary result.

In presenting the evil results which flow from political selection, and particularly when attention is directed to a specific case or to the case of a specific individual, it is easy to get the impression that the evil done in that particular case is slight: especially is this so if the position to which entrance is thus given without competition or other test of merit is one of minor importance. It must always be remembered, however, that one who enters service through political influence quite frequently, as is indeed natural, secures much more rapid advancement in the service than do his or her associates who

have entered by the competitive route and have no political or other influence to assist them in their efforts for promotion. The influence of political assistance thus projects itself far beyond the mere entrance gate and is likely to endure throughout the entire service history of the political appointee as a factor making for justified resentment and discontent among non-political employees.

Means of Elimination of the Political Factor.—The measures which may be taken to eliminate politics from initial selection, and, in general, to effect the divorce of the personnel system from politics fall into two distinct classes. In the first class are those which limit more or less completely the discretion of the administrative officer in matters of personnel, substituting for such discretion methods of a mechanical or formal character. Here the effort is to prevent the abuse of administrative discretion for political purposes by destroying that discretion in greater or less degree. In the second class are those measures which seek to prevent administrative officers and employees from undue political activity and conversely to prevent politicians outside the administration from attempting to influence the action of the administrator in personnel matters. Here the attempt is not to limit administrative discretion but to protect it as fully as possible from contact with political influences.

Abstract theory would seem to demand that, so far as practicable, reliance be placed on measures of the second class; for the limitation of administrative discretion is plainly in itself an evil, to be endured only because it is a less evil than the use of that discretion for political ends. Experience has proved, however, that whatever the value of measures of the second type, the chief measure which must be relied on to effect the divorce from politics of a personnel system which has long been wedded to politics is to substitute for administrative discretion in selection a formal system of selection, preferably based on open competitive examination. The institution of such methods of selection, therefore, has come to be accepted as the characteristic and central measure of any

program to cleanse the public personnel system of political influences; and it is to the present extent and incidence of such methods in the federal service that attention will primarily be given in the chapters immediately following. The limitations on administrative discretion with respect to removals, a matter closely bound up with that of selection, will also be reviewed. Then will be considered what may, and should be, done in the direction of preventing contact between the administrative personnel, both superior and subordinate, and the politician.

In the first of the succeeding chapters are reviewed the varied legal provisions by which formal systems of selection for appointment have been applied to the several branches of the federal service; in the following chapter the areas of the service to which no such methods have been applied are examined in detail and a program for the application of such methods to those areas is developed.

CHAPTER III

THE LAW AND TRADITION OF SELECTION AND TENURE

The Civil Service Reform Movement.—The body of law and practice designed to prevent the entrance of political and other improper considerations into the process of selection is, in the main, the product of a great popular movement in the seventies and eighties. To review the details of the history of that movement would be of little value for the present purpose. It is of interest, however, to point out that the enactment of the civil service law, and the subsequent development of regulations and procedure making it effective, were forced to successful issue by a powerful popular support in the face of determined opposition from those in control of party and of government. The force behind that support was the more remarkable because it represented the economic or social aspirations of no particular group of the community. It may be said of it, as of few other forces in our political history, that it sprang from a moral or idealistic revolt on the part of citizens of all such groups, against a system which debauched and degraded political life. Unquestionably, this force survives in no negligible degree to this day; but springing from, and nourished by, the abuses which it attacked, it has weakened in proportion as those abuses have disappeared.

Types of Systems of Formal Selection.—The systems of formal selection which may be established, and which indeed have been established over various areas of the federal service, may differ widely in the degree to which they impose restriction upon the discretion of the appointing officer in making selection. In some state and municipal jurisdictions the law and the practice have gone to an extreme in excluding the administrative authorities from any participation whatever in

the administration of the selective system. In the federal service this extreme position has never been taken and, as will subsequently appear, there are substantial variations in the degree to which participation of the appointing officer in the selection process is permitted at different points of the service. The general development in the federal service undoubtedly has been consistently in the direction of narrowing discretion in selections.

Three rather obvious factors determine the degree of limitation which the system places upon the discretion of the administrative officers: first, the extent to which the right is accorded to all who may wish to apply to place on record their qualifications and claims to appointment; second, the extent to which selection from among those admitted to application is determined by a competitive weighing of qualifications; and third, the extent to which the procedure is under the surveillance or control of an authority outside of the appointing power.

A fourth factor which might be mentioned is the extent of publicity which prevails in the actual operation of whatever system is prescribed.

The System of Pass Examinations.—The system which least limits the discretion of the administrative officer is the so-called pass examination, administered by the appointing officer himself. This system merely requires that no appointment shall be made until the prospective appointee has passed a set test. If the service to which it is applied is small and appointments infrequent, this system entails virtually no limitation upon the discretion of the appointing officer, as he himself decides whether the prospective appointee has passed. If, however, the service is large and appointments frequent, the appointing officer will have to delegate the actual conduct of the examinations to a subordinate acting under formal instructions, and a measure of practical restriction on the discretion of the appointing officer may thus be secured, though without legal sanction. Under this method, not only is selection from among the applicants not competitive, but no

provision is made for inviting applications from all who choose. Such a provision, in the absence of competitive selection from among those applying, may be thought empty and futile. Such is not altogether the case. If applications are invited from all who choose to apply, a moral obligation is imposed upon the appointing officer at least not to examine an applicant clearly unfit, or even one of questionable fitness, while failing to examine one of distinguished qualifications; and, if there be any measurable publicity given to the several applications, even if confined to the department concerned, this moral obligation may possess some practical force. The present systems of selection for the foreign service and for the medical officers of the Public Health Service are examples of the method here under discussion; and in both, the fact that the right to make formal application for examination is publicly held out to all, undoubtedly constitutes a limitation upon the freedom of selection of the appointing officers.

The System of Competitive Examinations: Selected Applicants.—Conversely, it is possible to devise a method by which application for examination is not open to all but selection for appointment as a result of examination is nevertheless competitive. Under such a system it is the function of the appointing officer to designate for examination, entirely in his own discretion, a number of candidates somewhat in excess of the respective number of vacancies, leaving to the results of a competitive examination, whether conducted by the appointing power or by independent authority, the selection of appointees to fill those vacancies. This method, offering as it does a measure of competition, and yet allowing the appointing officer discretion to bar from the examination any one not satisfactory to him, has been developed in but few personnel systems and is not found at any point in the federal service.

The System of Competitive Examinations: Open to All.—The final type of selective system, and the one which restricts most severely the discretion of the appointing officer, is the open competitive system—a system in which the right to enter

the competition is open to all who apply, and the selection is determined by the results of the competition.

The open competitive system is commonly regarded as the only method to be employed if political considerations are to be excluded from selection. Despite the essential soundness of this view, it is possible, as will appear in subsequent pages, under certain conditions, wholly to eliminate politics from selections by the employment of one of the other methods mentioned. Nevertheless, any other method than that of open competition is liable to spring a leak unless the conditions are of the best. Hence, it is believed that, unless for administrative reasons the method of open competition is impracticable, that method should be applied in preference to any of the other formal methods of selection discussed.

The Appointing Power.—In setting forth, as this chapter purposes to do, the varied provisions of law and regulation under which formal methods of selection have been applied to, or excluded from, the several branches of the federal service, it is necessary that the basic constitutional and legal aspects of the power of appointment, and of the term and tenure of office should first be understood.

With respect to a very small number of the positions in the executive civil service the Constitution expressly designates who shall appoint. These are "ambassadors, other public ministers, and consuls." Under the Constitution they must be nominated by the President, and appointed by him by and with the advice and consent of the Senate.

As to all others, it is provided that "all other officers . . . which shall be established by law" shall be similarly appointed by the President by and with the advice and consent of the Senate, but that "the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

This provision, it will be noted at the outset, refers only to "officers." It is, however, settled law that not every person holding employment under the United States is an "of-

ficer." As distinguished from an "officer," one may be an "employee" or an "agent" of the United States; and to such this constitutional restriction as to method of appointment does not apply. Just what characteristics a position held under the United States must possess to render the incumbent an "officer" rather than an employee or agent has never been determined. The broad distinction is, of course, a clear and obvious one, but the zone in which it cannot be sharply drawn is wide. For the present purpose, however, it is sufficient to note that only with respect to "officers" is the appointing power located by the Constitution. The power to appoint employees and agents is regulated wholly by statute, for the Constitution is silent.

Within the class of "officers," it should further be noted, it is only "inferior" officers whose appointment Congress may vest in one of the three agencies designated instead of in the President and Senate. What is an "inferior" officer under this provision has never been judicially determined. It would seem clear that a "head of department" cannot reasonably be considered an "inferior" officer; but any officer subordinate to the head of a department could apparently be so regarded and his appointment could constitutionally be vested in the President alone, in a court of law, or in the head of a department.

If this reasoning is correct, the Constitution requires that the method of nomination by the President, and appointment by him "by and with the advice and consent of the Senate" shall be used only in the case of "ambassadors, other public ministers, and consuls" (where it is explicitly required) and in the case of "heads of departments" (where it is impliedly, but no less clearly, required). The appointment of all other "officers" may be vested in any one of four authorities, as designated by Congress, namely (1) the President, with the advice and consent of the Senate, (2) the President alone, (3) the heads of departments, and (4) the courts of law; while the appointment of all employees and agents who do not fall under the head of officers may be vested in any authority whatever that Congress may designate.

Criticism of this scheme of control over the allocation of the appointing power is, of course, wholly academic, yet it is of interest in the light of the development that has actually taken place. Senatorial confirmation of ambassadors and consuls resulted, and in a measure still results, in the persistence of spoils in the foreign service long beyond what would probably otherwise have been the case, but the fatal weakness of the arrangement is that it permits, and indeed by the implication of the language strongly supports, the intrusion of senatorial confirmation in the appointment of all classes of officers. Had this provision of the Constitution been omitted, the history of political institutions in the United States might have been materially changed for the better. This is not the place, however, for any extended review of this subject. Suffice it to say that hardly is a single instance to be found in which the participation of the Senate has worked for good, and innumerable instances can be cited in which it has worked for the selection of the unfit, the removal of the fit, and, at almost all points, for persistence of politics in appointment and removal long after the President was willing and eager to be guided by considerations of merit only.

Aside from this primary weakness, the constitutional scheme as a whole is open to criticism as vesting in the legislative branch a power which is essentially executive. The Constitution imposes upon the President the duty of seeing "that the laws are duly enforced." A natural implication of this responsibility would be the power to select the agents by whom the law is to be enforced. Consistency would thus require that the entire power of appointment should be vested in the President, who would exercise it either directly or by delegating it to agents of his own selection. In practice, indeed, this has been substantially the result, but the Constitution does not insure it. Not only may the appointment of "officers" be required by Congress to receive the consent of the Senate, but it may be vested to begin within the courts of law,

an independent branch of the government.[1] Thus it is perfectly possible for Congress completely to exclude the President from all legal control over the appointment, or the machinery of selection, of most of the personnel of the government. As indicated, the actual development under both these heads, however, has placed the whole of the appointing power (except as it is qualified by senatorial confirmation) in the hands of the President or his appointees at first or second remove.

Presidential Positions.—Nearly the whole body of law relating both to methods of selection and to tenure is based upon the distinction between what are known as "presidential" and "non-presidential" positions—that is, between those positions to which appointment is by the President by and with the advice and consent of the Senate and those to which appointment is by any other authority. That distinction, therefore, must be developed somewhat fully at the outset.

Congress has by no means limited appointment by the President with the "advice and consent" of the Senate to the narrow field expressly required by the Constitution. In the military and naval services it has gone farthest, requiring the "advice and consent" of the Senate to be obtained to the appointment of every officer, even of the lowest grade. In the civil service it has been less thoroughgoing. There, in the departments at Washington, the consent of the Senate has been required, with few exceptions, only in the case of the heads and assistant heads of departments, bureaus, and services. In the field services, on the other hand, Congress has been particularly insistent on retaining the advice and consent of the Senate in the appointment of officers in charge of local offices, even those of low degree. The postmasters of all offices showing annual receipts of $1,900 or over must be appointed by and with the advice and consent of the Senate—

[1] Appointment of federal officers by federal judges was occasionally resorted to in the early days of the government. It survived till as late as 1905 in the provision for the membership of the United States circuit judge on the board of appointment of inspectors of hulls and boilers in the Steamboat Inspection Service (R. S. 4415, amended by Act of March 3, 1905, 38 Stat. 1028).

though the number has grown every year and is now over 10,000. Similarly, all collectors of customs and internal revenue, registers and receivers at land offices, surgeon general, district attorneys and marshals, and commissioned officers of the Public Health Service and the Coast and Geodetic Survey must be confirmed by the Senate.

In most cases wherein appointment is made by the President with the advice and consent of the Senate that method is expressly required by statute. In the remainder the statute is silent, but as Congress has indicated none of the other possible methods, appointment by the President with the advice and consent of the Senate is required by the Constitution,[1] since the position involved is clearly that of an "officer." [2]

In some instances the statute vests the appointment in the President alone, as in the cases of the Assistant Secretaries of Commerce and of Labor, the Commissioner and Deputy Commissioner of Lighthouses, and several other officers.

The following is a list, as of July 1, 1919, of the "presidential" positions in the executive civil service requiring confirmation by the Senate:

Department of State
- Secretary
- Undersecretary
- Assistant Secretaries
- Ambassadors
- Ministers
- Secretaries of Embassy or Legation
- Consuls General at Large
- Consuls General
- Consular Inspectors
- Consuls

[1] "The general rule deducible from this provision (Art. II, sec. 2, of the Constitution) is that, in the absence of an express enactment to the contrary, the appointment of any officer of the United States belongs to the President, by and with the advice of the Senate." Opinion of the Attorney General, June 1, 1911, 29 Op. 116.

[2] But it has been held that certain technical employees, the manner of whose appointment is not specifically provided for, are properly to be regarded as clerks rather than officers and as coming under section 169 of the Revised Statutes, which authorizes the head of a department to employ such number of clerks, etc., of the several classes recognized by law as may be appropriated for by Congress from year to year. Opinion of the Attorney General, June 1, 1911, 29 Op. 116.

TREASURY DEPARTMENT
- Secretary
- Assistant Secretaries
- Solicitor
- Assistant Solicitor

OFFICE OF THE TREASURER
- Treasurer
- Assistant Treasurer
- Deputy Assistant Treasurer
- Assistant Treasurers [1]

BUREAU OF INTERNAL REVENUE
- Commissioner
- Deputy Commissioners
- Solicitor
- Collectors

CUSTOMS SERVICE
- Collectors of Customs
- Surveyors of Customs
- Naval Officers of Customs
- Board of General Appraisers of Merchandise—Members
- Appraisers of Merchandise
- Assistant Appraisers of Merchandise
- Special Examiners of Drugs, Medicines, and Chemicals

WAR FINANCE CORPORATION
- Directors

OFFICE OF COMPTROLLER OF THE CURRENCY
- Comptroller

UNITED STATES MINT
- Director
- Superintendents of Mints
- Assayers in Charge of Mints
- Assayers
- Engraver

OFFICE OF REGISTER OF THE TREASURY
- Register
- Assistant Register

PUBLIC HEALTH SERVICE
- Commissioned Medical Officers

FEDERAL FARM LOAN BOARD
- Members

OFFICE OF COMPTROLLER OF TREASURY [2]
- Comptroller [3]
- Assistant Comptroller [3]

[1] These were in charge of subtreasuries; offices abolished since June 30, 1919.

[2] Changed to General Accounting Office, by Budget and Accounting Act of June 10, 1921, and made an independent establishment.

[3] Changed to Comptroller General and Assistant Comptroller General by Budget and Accounting Act of June 10, 1921.

TREASURY DEPARTMENT—*Continued*

AUDITORS

Auditor for Treasury Department [1]
Auditor for War Department [1]
Auditor for Interior Department [1]
Auditor for Navy Department [1]
Auditor for Post Office Department [2]
Auditor for State and Other Departments [1]

WAR DEPARTMENT

Secretary
Assistant Secretaries [3]

BUREAU OF ORDNANCE AND FORTIFICATION

Civilian Member [4]

MISSISSIPPI RIVER COMMISSION

Members

INSULAR POSSESSIONS

Governor of Porto Rico
Attorney-General of Porto Rico
Commissioner of Education of Porto Rico
Governor General of Philippine Islands
Vice Governor of the Philippine Islands

CALIFORNIA DÉBRIS COMMISSION

Members [5]

DEPARTMENT OF JUSTICE

Attorney-General
Assistant to the Attorney-General
Solicitor-General
Assistant Attorneys-General
District Attorneys
Marshals

POST OFFICE DEPARTMENT

Postmaster General
Assistant Postmasters General
Purchasing Agent
First Class Postmasters
Second Class Postmasters
Third Class Postmasters

NAVY DEPARTMENT

Secretary
Assistant Secretary
Governor of the Virgin Islands

[1] Abolished by Budget and Accounting Act of June 10, 1921; duties are performed by the Comptroller General.

[2] Changed to Comptroller, Bureau of Accounts, and placed under Post Office Department by Budget and Accounting Act of June 10, 1921.

[3] Only one Assistant Secretary at present.

[4] Abolished since June 30, 1919.

[5] Officers of Engineer Corps of the Army.

DEPARTMENT OF THE INTERIOR
- Secretary
- Assistant Secretaries
- Solicitor

PATENT OFFICE
- Commissioner
- Assistant Commissioners
- Examiners in Chief

OFFICE OF INDIAN AFFAIRS
- Commissioner
- Assistant Commissioner

GENERAL LAND OFFICE
- Commissioner
- Assistant Commissioner
- Recorder
- Surveyors General
- Registers
- Receivers

PENSION OFFICE
- Commissioner
- Deputy Commissioner

GEOLOGICAL SURVEY
- Director

BUREAU OF MINES
- Director

BUREAU OF EDUCATION
- Commissioner

GOVERNMENT OF TERRITORIES
- Governor of Alaska
- Governor of Hawaii
- Secretary of Hawaii

DEPARTMENT OF AGRICULTURE
- Secretary
- Assistant Secretary

WEATHER BUREAU
- Chief

DEPARTMENT OF COMMERCE
- Secretary
- Solicitor
- Assistant Solicitor

BUREAU OF THE CENSUS
- Director
- Assistant Director[1]

COAST AND GEODETIC SURVEY
- Commissioned Officers
- Superintendent

[1] For decennial census period only.

Department of Commerce—*Continued*
- Steamboat-Inspection Service
  - Supervising Inspector General
  - Supervising Inspectors
- Bureau of Fisheries
  - Commissioner
  - Deputy Commissioner
- Bureau of Navigation
  - Commissioner
- Bureau of Standards
  - Director
- Bureau of Foreign and Domestic Commerce
  - Director
  - Assistant Directors

Department of Labor
- Secretary
- Solicitor
- Bureau of Immigration
  - Commissioner-General
  - Local Commissioners
- Bureau of Naturalization
  - Commissioner
- Bureau of Labor Statistics
  - Commissioner
- Children's Bureau
  - Chief

Government Printing Office
- Public Printer

Interstate Commerce Commission
- Commissioners
- Chief Inspector of Locomotive Boilers
- Assistant Chief Inspector of Locomotive Boilers

Civil Service Commission
- Commissioners
- Chief Examiner

Federal Reserve Board
- Members

Federal Trade Commission
- Commissioners

United States Shipping Board
- Commissioners

Tariff Commission
- Commissioners

United States Employees' Compensation Commission
- Commissioners

Federal Board for Vocational Education
- Commissioners

Board of Mediation and Conciliation[1]
Commissioner
Assistant Commissioner

Power of Congress to Control the Discretion of the President in Respect to Appointments.—To what extent may Congress control the discretion of the President in his selection of persons for nomination? Is his discretion absolute, or may Congress prescribe rules to control it—rules providing, for example, for examinations or for open competition?

As to those officers whose nomination is specifically entrusted to the President by the Constitution—"ambassadors, other public ministers, and consuls" and, inferentially, the "heads of departments"—it seems clear that Congress has no constitutional power to control the action of the President in any way. As to other presidential appointments it is arguable that the President's power exists only at the pleasure of Congress, which could, if it chose, prescribe appointment by one of the other methods permitted by the Constitution; and that presidential nomination to these positions is as much subject to the control of Congress, as to methods of selection, as is a power of appointment derived wholly from statute.

The question has never arisen judicially and while it is an interesting one for the constitutional lawyer, it has little practical importance. Historically the President has always taken the lead in action looking to the establishment of some system of selection of appointees whom he is required to nominate. It is not likely that Congress will at any time be found forcing upon the Executive a system of selection, the effect of which is to weaken the hold of the political machine upon the appointing power. Only in response to a strong and insistent demand from the President will Congress give either funds or statutory recognition to any proposal that a machinery and procedure of selection be substituted for "senatorial courtesy." With the Executive seeking such legislation, it will be effective even if only permissive in its terms.

[1] Has ceased to function owing to lack of appropriation, but has not been formally abolished.

In practice Congress has long prescribed, in great detail, the method to be followed in making nominations for appointment in the military and naval services, and the constitutionality of such provisions has never been questioned. In the civil service, however, Congress has to date in only two cases those of the commissioned officers of the Public Health Service and the Coast and Geodetic Survey—regulated, by law, the selection of nominees to "presidential" positions. Aside from these the President's discretion is wholly uncontrolled by law.

The Public Health Service and the Coast and Geodetic Survey are in many respects two of the most interesting of the civil services of the government because of the similarity of their system of rank and pay to that of the military and naval services. In the organization of these services Congress, following the analogy of the military and naval services, requires that every commissioned officer shall be appointed by the President with the consent of the Senate. In no other branch of the civil service of the government is there a similar provision. Conjointly with this unique method of appointment, however, Congress has provided [1] that no person shall be appointed as a medical officer of the Public Health Service "until after passing a satisfactory examination in the several branches of medicine, surgery, and hygiene before a board of medical officers of the said service." In the case of the Coast and Geodetic Survey [2] the law provides that "no person shall be appointed aid . . . until after passing a satisfactory mental and physical examination conducted in accordance with regulations prescribed by the Secretary of Commerce.[3]

[1] Act of January 4, 1889, 25 Stat. 639.

[2] 40 Stat. 88.

[3] The law thus regulating the methods of selection to be applied to the Public Health Service is of peculiar interest because the act provides also "that original appointments in the service shall only be made to the rank of assistant surgeon," thus establishing the service on a completely closed basis in the same way that the military and naval services are organized. The act governing appointments in the Coast and Geodetic Survey does not explicitly say that original appointment shall be to the lowest grade, but it accomplishes this by implication by providing that "no person . . . shall be promoted from aid to junior hydrographic and geodetic engineer" or to the next higher grade without passing a mental and physical examination conducted in accordance with regulations to be prescribed by the Secretary of Commerce.

These statutes do not provide for an open competitive examination for entrance to the service. It leaves with the President complete power to select whom he will for nomination to the Senate subject only to the requirement that the persons so nominated shall first pass an examination. What is provided is, therefore, a "non-competitive" or "pass' examination." The unquestioning acceptance of this system by the Executive does not prove that it would be equally valid constitutionally for Congress to prescribe for presidential positions a system of open competitive examination with compulsory nomination of those graded highest.

Whatever may be the power of Congress to regulate the method by which nominees to the Senate are selected by the President, the plenary right of the President himself to prescribe any formal system of selection he may desire cannot be questioned. In fact, up to the present time, he has established both a system of non-competitive examination—that for consuls and for the lower officers of the diplomatic service—and an open competitive system—that for filling certain classes of vacancies in presidential postmasterships. Both of these systems of selection will be discussed in later chapters.

Non-Presidential Positions.—Passing now to the non-presidential positions, embracing the remainder of the executive civil service, we shall consider first the legal provisions regarding selection and then those regarding tenure and removal, though both are in some cases contained in the same act.

Since power of appointment vested in an agency other than the President and Senate is derived wholly from statute, the authority of Congress to prescribe the method of selection to be employed in the exercise of that power is complete. This is as true of those positions whose incumbents are regarded as "officers" as of those filled by "employees" or "agents." In theory a distinction indeed might be drawn; since as to "officers" Congress is not empowered by the Constitution to create the appointing power but merely to select one of the three possible classes of appointing officers—the President, the courts of law, and the heads of departments—named by

the Constitution. In practice, this distinction has been neglected; and for all non-presidential positions, comprising virtually the whole of the technical, the clerical, and the mechanical and labor forces of the government, Congress has complete control over the machinery of selection.[1]

Not until 1853, however, did Congress make any use whatever of this plenary control over methods of selection for non-presidential positions; and not until 1883, thirty years later, did it make any really effective use of it. The nature of its action during that period, and subsequently, will now be reviewed.

Early Legislation Regarding Methods of Selection.—In 1853 and 1855 Congress followed the example of England by requiring that the clerks in the departments at Washington should pass examinations prior to appointment in the service. The act, as incorporated in the Revised Statutes, reads as follows:

> Sec. 163. The clerks in the Departments shall be arranged in four classes, distinguished as the first, second, third, and fourth classes.
>
> Sec. 164. No clerk shall be appointed in any Department in either of the four classes above designated, until he has been examined and found qualified by a board of three examiners, to consist of the chief of the Bureau or office into which such clerk is to be appointed and two other clerks to be selected by the head of the Department.

This law was extensively applied for some years, but its enforcement gradually weakened. The Civil Service Commission in its first report commented on the system developed under this law, as follows:

> The essential vices of the pass-examination system were these:
>
> 1. The examinations were not open to all persons apparently qualified, nor even to all such persons belonging to the

[1] "The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed, not only in making appointments, but in all that is incident thereto." (U. S. *v.* Perkins, January 25, 1886, 116 U. S. 483.)

dominant party, but rather to such of the favorites of the dominant faction of that party as members of Congress and great politicians recommended.

Though the more disinterested and patriotic of those who monopolized patronage brought large numbers into the service who were both capable and worthy, the tendency was strong in favor of the office-begging and office-earning classes.

2. The tenure of the members of the examining boards was too precarious for strong resistance to influence and solicitation, but it should be said to their credit that they sometimes defeated the great officers and politicians who tried to push their favorites past the examinations.

3. These pass examinations denied the Government a choice from among the most meritorious applicants. There was no competition or comparison of merits between them, but only the chance of taking a person examined separately, on peril of offending his backers by refusing him.

In 1856 Congress also provided that:

> the President is authorized . . . to provide for the appointment of vice-consuls, vice-commercial agents, deputy consuls, and consular agents in such manner and under such regulations as he shall deem proper. . . . No vice-consul, vice-commercial agent, deputy consul, or consular agent shall be appointed otherwise than under such regulations as have been or may be prescribed by the President.[1]

This statute is noteworthy because it is the first in the whole history of legislation on this subject in which the power is given to the President to prescribe regulations for selection. No formal system of selection, however, was set up by the President under the authority thus conferred.

Perhaps the only other provision regarding methods of selection applicable to particular classes of personnel was that enacted in 1871 relative to the method of selection of local inspectors of hulls and of boilers in the Steamboat Inspection Service. This statute provided that:

> Whenever any vacancy occurs in any local board of inspectors, or whenever local inspectors are to be appointed for

[1] Act of August 18, 1856, 11 Stat. 57. Incorporated in Revised Statutes, Sec. 1695.

a new district, the supervising inspectors shall notify the collector or other chief officers of the customs for the district, and the judge of the district court for the district in which such appointment is to be made, who, together with the supervising inspector, shall meet together as a board of designators, and fill the vacant or new inspectorship. Such board, or the major part thereof, when designating an inspector of hulls, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of hulls, and who, from his practical knowledge of ship-building and navigation and the uses of steam in navigation, is fully competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hulls of steam-vessels and their equipment, deemed essential to safety of life in their navigation; and when designating an inspector of boilers, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of boilers, who, from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also of the construction and use of boilers, and machinery, and appurtenances therewith connected, is able to form a reliable opinion of the strength, form, workmanship, and suitableness of boilers and machinery to be employed without hazard to life, from imperfection in the materials, workmanship, or arrangement of any part of such apparatus for steaming.[1]

It will be seen that these provisions do not provide for any system of selection but merely lay an injunction upon the authorities charged with selection. This was followed in 1872 by an act providing that laborers "shall be employed in the several navy yards by the proper officers in charge with reference to skill and efficiency and without regard to other considerations," [2] which, of course, falls in the same class as being hortatory rather than restrictive.

The Law of 1871.—Not until 1871 did Congress make any comprehensive attempt to exercise control over the selection

[1] Act of February 28, 1871, 16 Stat. 443. Incorporated in Sec. 4415, Revised Statutes. This whole section has been amended by vesting the power of selection in the Secretary of Commerce.

[2] Act of May 23, 1872, 17 Stat. 146. Incorporated in Sec. 1544, Revised Statutes.

of the civil personnel. In that year, as the result of persistent agitation for civil service reform by a few devoted men in Congress, supported by President Grant, Congress in 1871 enacted the first law establishing a general system of selection. This authorized the President

to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of the service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.[1]

The act thus in terms applies to all positions in the civil service including those to which appointment is by the President with the consent of the Senate; but since the President, without statutory authority, has complete power over the methods of selection for such positions, the act may be regarded as material only with respect to non-presidential positions.

Wide as was the blanket authority conferred by the act, it lacked the reënforcement of adequate funds and the moral support of Congress, and, therefore, proved ineffectual; all effort further to employ it was abandoned by President Grant in 1873. Nevertheless, it is far more sweeping in respect to the authority conferred upon the President than is the civil service law of 1883; and, as will shortly appear, it remains to this day a most useful and vital part of the federal personnel law.

The Civil Service Act of 1883.—The failure of the experiment of 1871 led to the enactment in 1883 of what was regarded as a more effective measure.[2] This act, known as the civil service act and unamended to this day, constitutes the legal basis on which the present machinery for the selection of the personnel for the non-presidential positions (other than laborers) chiefly rests.

[1] Act of March 3, 1871, 16 Stat. 514; Revised Statutes, Sec. 1753.
[2] Act of January 16, 1883, 22 Stat. 403.

The substantive provisions of this act fall into two distinct groups: (1) those aimed at political contributions by employees and the coercion of employees for political purposes; and (2) those relating to the method of selection of employees for appointment and promotion. The first group has no direct bearing on the immediate subject and need not be further considered at this point. Reference is almost invariably to the second group when the civil service law is mentioned; but, because of the presence of the other group of provisions in the act, it is necessary for precision to speak not of the act itself but of the provisions of the act relating to selection. The precise terms of those provisions are set forth in due course in this section. Broadly speaking, they aim chiefly at establishing a system under which the classes of employees to whom the provisions apply will be selected by open competitive examination.

The provisions of the act relating to methods of selection are an extreme example of "inartificial" draftsmanship; and an exact understanding of their tenor can be gained only from a close and careful study of the act itself. Their effect, perhaps, may be most clearly stated here by comparing them with the act of 1871, above set forth.

The primary difference between the act of 1871 and that of 1883 is in respect to the classes of employees affected. The act of 1871 applies to "the civil service of the United States." This inclusive term would seem on its face to embrace even the officers and employees of Congress, and the clerks of the United States courts, who are commonly regarded as employees of the judicial department. However this may be, and that phase of the question is at best academic, the term certainly extends to all officers and employees in the executive branch of the government without exception.

The provisions of the civil service act relating to selection on the other hand, in addition to explicitly excluding "any officer not in the executive branch of the government" exclude from their operation: first, "any person employed merely as a laborer or workman"; and second, "any person who has

been nominated for confirmation by the Senate."[1] The latter class may indeed be brought under the operation of the law "by direction of the Senate"; but the failure of the Senate to give such direction in a single instance during the thirty-seven years of the act's history has rendered this proviso virtually obsolete.

While the provisions of the civil service law relating to the methods of selection thus embrace, potentially, all persons in the executive civil service other than "presidential" appointees and laborers, these provisions do not apply in terms to all the employees within its scope, but only to such as are "classified" under the act. The principle of "open, competitive examinations for testing the fitness of applicants" (Sec. 2, *Second,* First) is to be applied only to applicants "for the public service now classified or to be classified hereunder." Similarly, the principle of "selection according to grade from among those graded highest" is to be applied only to "the offices, places, and employments so arranged or to be arranged in classes." (Section 2, *Second,* Second.) Finally, the definite prohibition in the act against appointment (or promotion) without either examination or specific exemption from examination (Sec. 7) applies only to "either of the said classes now existing, or that may be arranged hereunder pursuant to said rules." From these provisions it thus seems clear that it was the intention of the framers of the act that the principles of competition and examination declared by the act should be applied only to such positions as may be "classified," that is, "arranged in classes."

The motive for thus uniting these two totally distinct procedures is difficult to understand. It is perfectly possible to arrange positions in classes without subjecting them to competitive examination. Similarly it is equally possible to apply the method of competitive selection to positions not classified,

[1] It might seem that this language applies only to persons who, at the time of the passage of the act, held positions to which they had been appointed after confirmation by the Senate. But the uniform interpretation of the clause has been to exclude from the operation of the act all positions to which appointment is made upon the advice and consent of the Senate.

and indeed to special positions not readily susceptible of arrangement in classes. In actual operation the broadest possible connotation has been given to the term "classified," and as a result it has been customary for years to include positions within the scope of the competitive system even though they may not be technically "arranged in classes." In fact, a large proportion of the positions so embraced have never been "arranged in classes" at all; so that the term "classified" has come to mean, in the parlance of the federal personnel system, not "arranged in classes" at all, but simply brought within the scope of the competitive examination system,[1] or, more correctly, within the operation of the civil service rules regarding selection.

The provisions made in the act for "classification" are equally confused and ill-considered. At the time of the passage of the act but one portion of the public service was "now classified." This embraced the clerical positions in the executive departments at Washington to which a compensation of either $1,200, $1,400, $1,600, or $1,800 attached. By an act of 1853, already referred to, these positions had been arranged in four "classes" corresponding to the several salary rates mentioned. In addition, the civil service act (Sec. 6) now required the Secretary of the Treasury and the Postmaster General, respectively, to "arrange in classes," in conformity as nearly as possible to the statutory classification of the departmental clerks just referred to, "the several clerks and persons employed by the collector, naval officer, surveyor, and appraisers, or either of them, or being in the public service, at their respective offices in each customs district where the whole

[1] At one point the civil service law itself seems to contemplate just such a meaning of the term "classified." The concluding sentence of Section 6 of the act authorizes the heads of departments from time to time to "revise any then existing classification or arrangement" and "for the purposes of the examination herein provided for" to include in such classification employees "not before classified for examination." This is, however, the only place in the act at which the term "classification" is used as identical with the designation of a position as one to be filled by examination; and indeed in the next section the two things are apparently regarded as quite distinct, it being provided that no person who has been nominated for confirmation by the Senate shall be required "to be classified or to pass an examination."

number of said clerks and persons shall be altogether as many as fifty"; and "the several clerks and persons employed, or in the public service, at each post office, or under any postmaster of the United States, where the whole number of said clerks and persons shall together amount to as many as fifty." Finally, the act provided, that from time to time each department head, and each "head of an office" (that is, of an independent establishment) "shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination."

It is in this last provision that the authority for extending the competitive system beyond the narrow limits prescribed by the two preceding provisions is found; and it is, therefore, upon this provision of the civil service law and upon the act of 1871 that the application of the system to far the greater proportion of the employees now embraced in it must rest.

Like the act of 1871, the civil service act itself contains no mandatory prescription of methods of selection to be employed; like the act of 1871, it leaves complete discretion in this respect in the hands of the President, who is empowered to promulgate "rules for carrying this act into effect." But unlike the act of 1871, it sets forth in general terms certain "fundamental provisions" which such rules shall contain. As even these provisions are to be embodied in the rules, however, only "as nearly as the conditions of good administration will warrant" and as the rules are in no wise limited to these provisions,[1] it is hardly too much to say that the nature of the power of regulation conferred on the President by the civil service act is virtually as unqualified as is that conferred

[1] The act states that the provisions mentioned shall be declared "among other things."

by the act of 1871. This is, however, a somewhat legalistic view. The moral obligation imposed on the President actually to apply the "fundamental provisions" wherever practicable is, of course, most weighty. Nevertheless, it must be clearly kept in mind that the civil service law requires no single specified position to be filled by competitive examination, or indeed even by non-competitive examination. Of themselves, therefore, the substantive provisions of the civil service law relating to selection are without effect. So far as they have vitality, they draw it from the provisions of the civil service rules promulgated by the President. Hence it is in conjunction with those rules that these substantive provisions can best be examined.

Finally, it will be recalled that the act of 1871 authorized the President to "employ suitable persons to conduct" the inquiries regarding the fitness of candidates authorized by the act; and to prescribe the duties of such persons. The civil service act on the other hand expressly provides for a commission of three members, "not more than two of whom shall be members of the same political party," and who "should hold no other official place under the United States." It is also provided that the commission may at places where examinations are to take place "designate and select a suitable number of persons, not less than three, in the official service of the United States . . . to be members of boards of examiners." The duties of the commission, moreover, are detailed with much greater fullness than was attempted in the act of 1871. It is to "aid the President as he may request in preparing" the rules already referred to, and "subject to the rules that may be made by the President," it is to "make regulations for and have control of," the examinations which may be provided for by the rules, and "shall supervise and preserve the records of the same." It may, moreover, investigate and report "upon all matters touching the enforcement and effects of said rules and regulations." Finally, the authority of the commission is strengthened by a provision requiring officers to give it the use of public buildings for holding ex-

aminations, and by a provision making unlawful any fraud or corruption with intent to defeat the purpose of the act.

Although the civil service act has never been amended, several supplemental statutes have been enacted. None of them is of major significance except those exempting certain groups of employees from the operation of the act, which are reviewed in a subsequent section of this chapter. They bear only on details of the operation of the system of competitive selection and will be mentioned in connection with the detailed account of that system in a subsequent chapter.

Both Presidential and labor positions, and indeed those excluded from the operation of the civil service law by special statute (to which attention will be called in a subsequent section of the present chapter), as has been pointed out, are subject, by the act of 1871, to any system of selection, including examination, which the President may order. The elimination of these classes of personnel from the operation of the civil service law may be thought for practical purposes immaterial. Such is not the case, however. Whatever may be the President's legal power, the civil service law does what the act of 1871 does not—it specifically imposes upon the President the moral duty of applying the principle of "open competitive examination" and "selection according to grade from among those graded highest," as far as the conditions of good administration will warrant, and this moral mandate has become so firmly fixed as a portion of the political tradition that the mere inclusion of a position under the civil service law, despite the plenary authority granted to the President to except it from competition as wholly as though it did not fall under that law, may be regarded in every case as a victory for the merit principle. It may be regarded, therefore, as unfortunate for the development of the merit system that the civil service law does not apply to presidential and to labor employees. Although the legal situation would not be changed in any substantial respect by their inclusion at the present time, an amendment to secure their inclusion should have the earnest support of every friend of the merit system.

Quite aside from its influence on the spread of the merit principle, the inclusion of the entire service under one statute would simplify administration, as will subsequently appear from the discussions of assignments and transfers involving a change from an unclassified to a classified status. This division of the service into these purely statutory classes on a basis which may, and in some cases does, have no relation to the method of selection or the needs of the personnel administration, necessarily places an additional artificial difficulty in the way of the free movement of personnel within the service.[1]

The civil service act differs from most of the acts which have followed it in state and local jurisdictions in one point. It vests complete discretion in the application of the competitive principle of selection and the promulgation of rules in the President himself. The Civil Service Commission has no powers under this head except those the President confers upon it. In most jurisdictions it has been thought necessary or desirable to give the Civil Service Commission a large measure, if not the whole, of the discretionary power created by the act, the theory being that the checking of the discretion of

[1] A view contrary to the one here expressed has found support from some who have had much experience in connection with the administration of the federal civil service law. This view has been stated as follows in a letter to the writer: "While there might be some advantages in the extension of the civil service law to include laborers, the result of such action would undoubtedly prove a distinct disadvantage to the service rather than a benefit. At the present time a barrier is set up which effectually prevents departments from assigning a mere laborer or workman to a classified position except incidentally upon the approval of the Commission. One evil in the assignment of unclassified laborers to classified duty arises in the claim for promotion to classified positions by reasons of experience and capability acquired in the unclassified position." The validity of this view is open to serious question. It hardly can be said correctly that the present distinction between unclassified and classified positions erects a barrier "which effectually prevents departments from assigning a mere laborer or a workman to a classified position." It is true that the rules at the present time prohibit such an assignment; but they prevent it only in so far as the Commission is able to secure or enforce compliance with its rules. Even though the distinction between unclassified and classified positions were abolished and the grade of laborer were merely to become, as indeed it is in a great many local jurisdictions, a sub-class of the general classified service, it would still be open to the Commission to prohibit the assignment of a mere laborer or workman to a position of higher duty or compensation; but the enforcement of such rule would depend upon the resources at the disposal of the Commission.

the executive was the primary purpose of the act, and that such a check could effectively be exercised only by a body largely independent of the executive. The federal personnel system, however, is so vast and the President so far removed from the subordinate personnel that a far greater and more rapid development of restrictive control has ensued in the federal service under Presidential authority than has been obtained in small jurisdictions with an independent civil service commission. The completeness of the power vested in the President has resulted here and there in a less thoroughgoing and consistent application of merit principles than would have been likely had the power been vested in the Civil Service Commission itself, even though that body remained entirely dependent on the President in respect to appointment and removal. Future progress should probably be in this direction; but the matter should be considered in its relation to the general question of giving membership on the commission a more representative character and a more attractive status, points discussed in a subsequent chapter.

The opposite extreme to the present arrangement would be not only to give the Civil Service Commission all the discretionary and regulatory power now possessed by the President, but to have it appointed independently of him. Such an arrangement would represent a fundamental departure from the tradition of the national government. It would entail a basic division of responsibility for the personnel system, and consequently for the whole administrative system, of the government. It is not believed that experience or present conditions furnish any warrant for so radical a change.[1]

The civil service act expressly prohibits the appointment of any "officer or clerk contrary to its terms," yet no power is vested in the Civil Service Commission itself to enforce this requirement. In a number of jurisdictions the civil service

[1] The two proposals here discussed are to be sharply distinguished from that which would leave the President's power of regulation unimpaired, but would make the Civil Service Commission, in its administration of the law and rules, independent of the President (through appointment by an independent authority such as the Supreme Court).

law provides that no payment shall be made upon any payroll until the civil service commission has certified that all persons whose names appear thereon have been appointed in pursuance of law. In the absence of any provision of this character in the federal civil service law, the Commission, in 1897, requested the Secretary of the Treasury to establish a system of personnel audit in the office of the Comptroller of the Treasury.[1] The Secretary of the Treasury declined to do this and the Commission accordingly sent to the Comptroller of the Treasury lists of the names of persons known by it to be holding office or employment in violation of the civil service act. The Comptroller, however, declined to interfere, and on April 1, 1899, rendered an opinion addressed to a United States Marshal who admitted that he had appointed an office deputy without reference to the lists furnished by the Civil Service Commission, even though the position of office deputy had been placed by the President in the classified service and the civil service rules promulgated by the President required that persons in the classified service, unless specifically exempted, should be appointed from lists furnished by the Civil Service Commission as a result of open competitive examination. The decision of the Comptroller[2] held, to quote the syllabus, that "a person employed . . . without having been certified by the Civil Service Commission is eligible to employment, although employed in violation of law." The theory advanced is that, if the marshal had violated an executive order and no action had been taken by his superior, the Attorney

[1] Such a system, if established, would have differed from the systems employed in local jurisdictions under a provision of the type just cited, under which payment is withheld until the certification of the Civil Service Commission is obtained. It is not the practice of the federal government to make any central audit of vouchers before disbursing, the practice being, on the contrary, for the several departmental disbursing officers to make all disbursements, including payroll disbursements, upon their own responsibility, being held liable for any illegal payments which may be subsequently discovered upon examination by the auditors acting under the direction of the Comptroller of the Treasury. The request of the Commission, had it been granted, would have involved an examination of all payrolls by the auditors to ascertain whether any person appearing on such payrolls held his position in violation of the civil service law or rules.

[2] *Decisions of the Comptroller of the Treasury*, vol. 5 (1899), p. 649.

General, and similarly no action had been taken against the Attorney General by the President, the action of the marshal might be regarded as having had the approval of the President, and the President as having impliedly waived the provisions of his own general order in the specific case. It need hardly be said that this decision clearly runs counter to the well-established doctrine which gives to executive orders made in pursuance of law the force of law. However, taking the position he did, the Comptroller decided that he "would not go behind the certificate of the appointing power and ascertain whether the civil service rules and regulations have been complied with in the employment of persons in the classified civil service." The Civil Service Commission appears to have made no further attempt to secure action in this direction [1] and the Comptroller's decision represents the practice down to this day.

Although the failure to confer upon the Commission any power to enforce the law was undoubtedly a serious defect in the framing of the act, and undoubtedly prevented as rapid and consistent an observance of the law in its early days as might otherwise have been had, it can hardly be said that at the present time this absence of legal power is material. Since the instance above cited took place, a tradition has developed throughout the service which insures the observance of the law and the regulations substantially as effectively and, of course, infinitely more economically than would be secured by an elaborate and thoroughgoing audit of payrolls by the Civil Service Commission. It is not believed that at the present time the letter of the civil service rules is in any appreciable degree willfully violated.

The Civil Service Rules and Orders.—The civil service rules now in force were promulgated by the President on April 15, 1903. Since then they have been amended textually

[1] Indeed the Commission not only made no attempt to secure legislative relief but the whole subject is not mentioned in its annual reports. For the statements of fact above made reliance has been placed principally on the report of the investigating committee of the National Civil Service Reform League on the Condition of the Civil Service under the Present National Administration, made to the annual meeting of that body in 1900 (See *Proceedings*, 1900, p. 33 ff.).

a number of times. In addition, their tenor on several points has been altered by executive orders issued by the President.

The rules recite that they are promulgated by the President "in the exercise of power conferred by the Constitution, by Section 1753, Revised Statutes [hereinbefore referred to as the act of 1871] and the act of January 16, 1883 [the civil service law]." The act of 1871, it will be recalled, authorized the President not merely to "prescribe regulations for the admission of persons into the civil service of the United States," but to "establish regulations for the conduct of persons who may receive appointments in the civil service." Again the civil service act, as already pointed out, contains provisions bearing on the matter of political contributions by employees, and the coercion of employees for political purposes, and confers upon the President the blanket power to promulgate "suitable rules for carrying this act into effect."

Finally the civil service act itself, while it enumerates certain specific provisions which the rules shall embody, "so far as the conditions of good administration warrant," it permits the President, by implication, to make rules on any other phase of personnel administration.[1]

The rules consequently contain provisions bearing on almost all phases of personnel administration. All these provisions will be adverted to in their proper place. Here we are concerned only with those rules which bear directly on the matter of the application of formal systems of selection to that portion of the service to which the civil service act relates.[2]

[1] The act provides that "among other things" the President shall promulgate rules as set forth in the statute. As was said by Attorney General Knox (23 Op. Atty. Gen., 595, 597, December 2, 1901): "Short of a purpose to break down this law or impose some arbitrary and unfair requirement which is inconsistent with the spirit of law in general (a supposition too absurd to be indulged), it is not too much to say that the determination of the contents of these rules rests almost wholly with the President himself."

[2] Since the rules as already indicated also cite the Constitution and the act of 1871 as sources of the authority of the President, it would have been perfectly proper for the President to incorporate in those rules the various orders setting up systems of selection for classes of personnel not within the provisions of the civil service act relating to selection, but this has in

The "Classified" Service.—It will be recalled that the provisions of the civil service act relating to selection apply only to positions "classified" under the act. This does not mean that all positions "classified" must be filled by open competitive examination. On the contrary, the provision of the act which lays down the principle of open competitive examination merely provides that the President shall promulgate a rule which shall "provide and declare . . . for open competitive examinations" for positions "classified," "so far as the conditions of good administration will warrant." The same intention is manifested in the enforcing clause of the act (Sec. 7) which prohibits the employment of any person in a "classified" position "until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith." Indeed this clause, the only mandatory clause in the entire act relating to selection, does not even require that the examination passed by those not "specially exempted" shall be open or competitive. It is thus clear that under the act a position may be a "classified" one and yet need not be filled by competitive examination, or by any form of examination.

In the earlier rules, however, the process of "classification" was conceived of as synonymous with the application of the principle of competitive examination; and those positions to which this method was not applied were regarded by the rules as "not yet classified." But since the Revision of 1896, the rules have followed the original intent of the civil service law and they now prescribe (Rule II) that "the classified service shall include all officers and employees in the executive civil service of the United States, heretofore or hereafter appointed or employed, in positions now existing or hereafter to be created, of whatever function or designation, whether compensated by a fixed salary or otherwise, except persons employed merely as laborers, and persons whose

no case been done. So far as methods of selection are concerned the rules, like the civil service act, exclude from their application presidential appointees and laborers.

appointments are subject to confirmation by the Senate"—that is, all officers and employees to whom the principles of selection declared by the civil service act may, under that act, be applied,[1] the rules making specific designation of those positions to which competitive selection is not to be applied.[2]

Under the rules now in force all "classified" positions, as thus defined, are to be filled by open competitive examination unless specifically excepted therefrom. These exceptions take either of two forms. The rules themselves make provisions for "non-competitive" and for "excepted" positions, and contain schedules of the positions included under each head. Additional exceptions, usually of a less permanent nature, are created by special executive order, without textual amendment of the rules or accompanying schedules. The precise nature and extent of each of these classes of exceptions from competitive selection warrants examination.

Non-Competitive Positions.—Non-competitive appointments are provided for in Rule III, Section 2, which reads: "Where in its opinion the conditions of good administration warrant, the commission may give non-competitive examinations to test fitness for . . . appointment to the positions named in Schedule B of these rules." While discretion is thus accorded the Commission to use either competitive or non-competitive examinations for these positions, it has fol-

[1] Indeed this definition is so broadly phrased that in strictness it would include even those positions which are by special statute specifically excluded from the operation of that civil service law. It is not intended, of course, to include those positions.

[2] The "classified" positions to which competitive selection is applied are distinguished in the rules from the "classified" positions not filled by competition by the term "classified *competitive*" positions. Since, however, those classified positions which are not filled by competitive examination are not clearly distinguished in the popular mind from positions not classified, there is a natural tendency to restrict the application of the term "classified" service, as it was restricted in the earlier rules, to competitive positions, even though the rules, when referring only to those positions, speak always of the "classified competitive service." So general has this popular usage of the term "classified service" become that it has now received legal recognition. By act of August 24, 1912 (37 Stat. L. 555), Congress provided certain safeguards against improper removal from the "classified civil service." In an opinion rendered shortly after (30 Op. Atty.-Gen., 181), the Attorney General declared that the term "was used in the more popular sense of the competitive service, and therefore should not be held to include excepted positions."

lowed consistently the practice of using non-competitive examinations only. The incumbents of these positions are selected, therefore, by the appointing officer, subject only to their successfully meeting a test imposed by the Civil Service Commission, which the rules provide "shall consist of the same tests of fitness as those applied to other persons seeking appointment through competitive examination," a requirement obviously of no importance since competitive examination for these positions is not given.

In any sound system of personnel administration positions will be found which cannot be filled to the best advantage by open competition. Designation by the appointing officer of a particular individual for appointment subject to the passing of a particular test by the Civil Service Commission is in such cases clearly a desirable procedure.

The positions now filled by this method, under the existing provisions of the civil service rules, are not numerous. Some of them fall clearly within the particular provinces of a non-competitive method. Thus, it is provided that certain positions in the Indian service [1] and in the Office of Indian Affairs [2] may be filled non-competitively when filled by Indians; that any competitive position in an Indian school may be filled non-competitively when filled by the wife of a competitive employee at that school;[3] and that any competitive position at a United States penitentiary may be so filled when filled by a paroled prisoner.[4]

Again there are found certain positions so undesirable either by reason of low compensation or remote location, or of such infrequent occurrence, that open competitive examination would be futile. The service in these cases usually considers itself fortunate if it can find a suitable employee to

[1] Superintendent, teacher, manual training teacher, kindergartner, physician, matron, clerk, seamstress, farmer, and industrial teacher (Schedule B, II).

[2] Junior clerk, messenger, assistant messenger, and messenger boy (Schedule B, I, 2).

[3] Schedule B, I, 3.

[4] The prisoner must be recommended for such employment by the officers of the penitentiary in which the employment is proposed, by the Board of Parole, and by the Department of Justice (Schedule B, V, 1).

accept the position. Here, too, is obviously a proper case for the use of the non-competitive method. There would seem to be only one instance [1] of such a position in the present schedule of non-competitive positions, since such positions are usually entirely excepted from examination.

Several additional classes of positions are found, however, for whose inclusion in the non-competitive class there is little apparent reason, since in virtually every case positions of equal importance and difficulty in other services are filled by open competition. These positions are: miners employed at rescue stations or on rescue cars at experimental mines under the Bureau of Mines; [2] special agents of the Division of Inquiry of the Interstate Commerce Commission;[3] assistant engineers in the Valuation Division of that Commission; [4] and various classes of employees of the Department of Commerce engaged in investigating trade conditions both at home and abroad.[5]

That little, if any, good reason exists for the inclusion of these positions in the non-competitive class would seem to be indicated by the proviso attached to the orders including the miners in the Bureau of Mines and the special agents of the Interstate Commerce Commission under this class "that should the Civil Service Commission at any time have reason to believe that the privilege so afforded is abused it may revoke it."

The existence of an emergency is another reason which may warrant the substitution of the non-competitive for the competitive procedure. The application of the competitive method necessarily requires an appreciable time. Public announcement must be made, usually over the country as a whole, and a reasonable time given for the submission of applications, and even if no written test is embraced in the exam-

[1] The position referred to is that of disciplinarian in the Indian Schools (Schedule B, I, 7).

[2] Schedule B, I, 4.

[3] Schedule B, II, 1.

[4] Schedule B, II, 2.

[5] Trade commissioners, commercial agents, experts, and special agents (Schedule B, III, 2); and clerks to commercial attachés (Schedule B, III, 1).

ination, time must be taken for the conscientious examination of all the applications submitted and their comparative grading, involving also usually the necessity for correspondence with persons familiar with the applicants. Under the most favorable circumstances and the most expeditious procedure this will consume not less than perhaps two or three weeks, and cases arise even in times of peace where so long a delay is highly undesirable or even impossible. Consequently, in response to war needs the President, on March 25, 1917, ordered that "when the Civil Service Commission decides that, because of a public exigency, there is need of the immediate filling of a position for which there is no suitable eligible, the Commission may authorize the filling of such position by the appointment of a person shown to be qualified by such non-competitive test of fitness as the Commission may prescribe." This order proved of the highest value during the war. A number of persons appointed under it are still in the service, having received permanent appointment; but it is, of course, purely an emergency procedure, to be resorted to only when circumstances make it unavoidable.

It is difficult to offer any judgment as to how real a check upon political selection the conduct of non-competitive examinations by the Civil Service Commission constitutes. The Commission does not publish or compile any figures showing the number of such examinations held, the number of entrants, and the number of persons declared qualified.

Positions Excepted by the Rules and Orders.—The excepted class, which is provided for in Rule II, Section 3 of the Rules is of far greater importance. That rule provides that "appointments to the excepted positions named in Schedule A of these rules may be made without examination or upon non-competitive examination; but the proper appointing officer may fill an excepted position as competitive positions are filled." While this rule thus admits of competitive or non-competitive examination being employed in the filling of any of the positions in this class, they are in practice filled entirely without examination.

A large, perhaps the largest, class of positions covered by this rule consists of skilled and non-skilled laborers employed in the field services. The theory on which exception from competition may be justified in these cases is that when work is being conducted in the field at remote points, it is essential that the officer in charge of such work be given a free hand in recruiting whatever skilled labor he may need which may be locally available, without the necessity of calling upon the Civil Service Commission for the certification of eligibles.

Another class of exceptions are those which are made on the ground of the positions being of a "confidential" character. It is on this theory that the various private secretaries to heads of departments and bureaus are excepted from examination; and the same argument has been advanced in support of the exception, for example, of national bank examiners.

Other classes consist of positions where the service required is wholly temporary or is of a part-time character, and, therefore, necessarily performed by persons in the immediate vicinity, or in which the work carried on is financed not chiefly by the government but by private organizations or persons, or in which the work is carried on in such unusual locations that competition would be impracticable, or where the salary offered is so low that no competition would be likely to be secured.

Finally mention may be made of positions which have been brought under the rule due to dissatisfaction of the appointing officers with the results produced by the Commission in attempting to secure qualified persons by open competitive examination. Sometimes this has resulted after an honest attempt has been made to fill the positions by the competitive method.[1]

No one can read the enumeration of positions thus exempted from the system of competitive examination as given

[1] For a detailed statement of classified positions excepted from examination under Rule II, Section 3, see Appendices to the Annual Reports of the Civil Service Commission.

in the annual reports of the Civil Service Commission without feeling that adequate grounds are in many cases lacking for the exemption. Many of the positions so exempted differ but slightly, if at all, from positions in the filling of which the system of competitive examination is rigidly applied. Especially is this true of positions exempted on the ground that they are of a confidential character. It is the history of all civil service systems that when competitive methods are first applied this exception is applied to large classes of positions, but that as it becomes more and more clearly demonstrated that positions as "confidential" or even more "confidential" than the excepted positions are successfully filled by open competition, the field of exceptions is greatly narrowed. As the Civil Service Commission said some years ago, when it was proposed to except the position of chief deputy marshal because of its "confidential character":

It is said that the relation of the marshal and his chief deputy is one of a confidential character. Until 1904 cashiers in the Customs Service were excepted from examination; cashiers in post offices were excepted until 1906. Since these positions were made competitive there is no reason to suppose that they have not been filled as successfully under the civil service rules as any other class of competitive positions. This fact is of great value in considering the present question because it shows that the civil service rules are successfully applied to a class of positions whose duties are very similar to those of chief office deputies and which were for many years excepted from the operation of the rules because of their confidential and responsible nature. The objections that the marshal should be personally acquainted with a chief office deputy before his selection and should have confidence in his integrity, reliability, and efficiency, and that the chief deputy should be acquainted with local conditions could be met in many cases by the promotion within the office of suitable persons or by transfer from the vast number of competitive employees in other parts of the classified service.

From the records available it is not clear to what extent the recommendations of the Civil Service Commission have been sought or respected by the several Presidents, in the pro-

mulgation of exceptions from competition. In certain instances it seems clear that the President acted without reference to the Commission; and in a few instances, the Commission has doubtless been flatly overruled. One's general impression is, however, that here, as in other matters, the Commission might have displayed, during recent years, a greater measure of aggressiveness in promoting the competitive principle. While occasional references to the undesirability and needlessness of a large excepted class are to be found in its annual reports, it has at no time taken a strong stand in the matter or made any really energetic attempt to secure from the President a thoroughgoing revision of the schedule of excepted positions and its rigorous restriction to those positions for which competitive selection is really impracticable.

The question arises whether in the legitimate field of excepted positions, it is desirable or proper that exceptions should be made as now by the President or whether it would be better to vest that authority in the hands of the Commission itself. From almost every standpoint it would seem desirable to pursue the latter course. The exercise of this power by the President necessarily renders him more or less subject to importunity by cabinet members and other political officers and the constantly increasing volume of business which the President must transact makes it increasingly unlikely that applications by department heads for exceptions will receive the careful consideration which, from the standpoint of the personnel system, they should.

It is noteworthy that in some local systems the power of excepting positions from competitive requirements is regarded as so filled with possibilities of abuse for political purposes that not only is the power vested in the Civil Service Commission rather than in the executive, but even its exercise by the Commission is subject to review by higher authority. Thus in the case of New York City the exception of positions from competition by the local commission must be approved by the state commission. The contrast between this and the federal practice is, however, but one illustration of the dominant power

accorded to the President in the civil service administration as opposed to that usually accorded the executive in state and local sytsems.

In this connection, however, one special feature may be pointed out. In determining whether a particular position should be excepted there is involved, in a measure, an appraisal of the efficiency of the recruitment methods of the Civil Service Commission, the only justification for exception in the large being that the position cannot with equal satisfaction or expedition be filled by the normal competitive method of recruitment. To this extent there is valid ground for objection to vesting in the Civil Service Commission the power of passing on requests for the exception of positions, since it is the adequacy of the commission's own methods which is in effect called into question. The experience of local commissions, however, and the record of the federal commission itself in making recommendation for exceptions of this character in those cases where it has been asked for recommendation, as well as in passing on requests for the appointment of designated individuals to positions ordinarily competitive, seem to indicate that little is to be feared from a too rigid insistence by the Commission on competition in cases where competition is not really suitable.

Positions Excepted by Statute.—From time to time Congress, by statute, has placed some or all of the employees of specific services, who would in the absence of special statute fall in the classified service, outside the general power of "classification" conferred upon the President by the civil service act.

The exceptions now in effect are employees of the International Joint Commission; deputy collectors of internal revenue; deputy marshals; all employees of the Federal Reserve Board and of the Federal Farm Loan Board; commercial attachés and a clerk to each; certain technical and expert employees of the Federal Trade Commission, the Shipping Board, the Tariff Commission, and the Veterans' Bureau; immigration inspectors employed in the enforcement of the

contract labor law; and even special technical and clerical services needed in the construction of hospitals for the Public Health Service.[1]

[1] The statutes making these exceptions are as follows:

Deputy Collectors and Deputy Marshals.— . . . That hereafter any deputy collector of internal revenue or deputy marshal who may be required by law or by authority or direction of the collector of internal revenue or the United States marshal to execute a bond to the collector of internal revenue or United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond without regard to the provisions of an act of Congress entitled "An act to regulate and improve the civil service of the United States," approved January sixteenth, eighteen hundred and eighty-three, and amendments thereto, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to the act, amendments, rules, or regulations aforesaid. (38 Stat. 208, act of Oct. 22, 1913.)

Federal Reserve Board.— . . . All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the act of January sixteenth, eighteen hundred and eighty-three (volume twenty-two, United States Statutes at Large, page four hundred and three), and amendments thereto, or any rule or regulation made in pursuance thereof: Provided, That nothing herein shall prevent the President from placing said employees in the classified service. (38 Stat. 262, act of Dec. 23, 1913.)

Commercial Attachés.—For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, . . . $100,000. (38 Stat. 500, act of July 16, 1914.)

Federal Trade Commission.— . . . With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission. (38 Stat. 718, act of Sept. 26, 1914.)

Federal Farm-Loan Board.— . . . All such attorneys, experts, assistants, clerks, laborers, and other employees and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883, . . . and amendments thereto, or any rule or regulation made in pursuance thereof: Provided, That nothing herein shall prevent the President from placing said employees in the classified service. (39 Stat. 361, act of July 17, 1916.)

Shipping Board.— . . . With the exception of the secretary, a clerk to each commissioner, the attorneys, naval architects, and such special experts and examiners as the board may from time to time find necessary to employ for the conduct of its work, all employees of the board shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil service law. (39 Stat. 729, act of Sept. 7, 1916.)

Tariff Commission.— . . . With the exception of the secretary, a clerk to each commissioner, and such special experts as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be appointed from lists of eligibles to be supplied

In the cases of the Federal Reserve Board and the Federal Farm Loan Board, the exception from the statute may be revoked by the President. These cases, therefore, constitute no real exception to the civil service law. The difference is that under the civil service law specific action by the President is required to except positions from competition; whereas here the exception is made by statute but may be revoked by the President.

The language employed in the acts providing for the exception is far from uniform. The act relating to deputy collectors of internal revenue and deputy marshals provides that they "may be appointed . . . without regard to the provisions of 'the civil service law' or any rule or regulation made in pursuance thereof." The same language is used in the acts relating to the appointment of the employees of the Federal Reserve Board, the Federal Farm Loan Board, and to the persons employed to enforce the contract labor law, and spe-

by the Civil Service Commission and in accordance with the civil service law. (39 Stat. 795, act of Sept. 8, 1916.)

Immigration Service.— . . . said Secretary, in the enforcement of that portion of this act which excludes contract laborers and induced and assisted immigrants, may employ, for such purposes and for detail upon additional service under this act when not so engaged, without reference to the provisions of the said civil service act . . . such persons as he may deem advisable . . . (39 Stat. 893, act of Feb. 5, 1917.)

Veterans' Bureau.— . . . With the exception of the director, the commissioners, and such special experts as the Secretary of the Treasury may from time to time find necessary for the conduct of the work of the bureau, all employees of the bureau shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil service law. . . . (40 Stat. 400, act of Oct. 6, 1917, as amended by the act of August 9, 1921 (Public No. 47, 67th Congress).)

Technical and Clerical Services in Connection with Construction of Hospitals, Public Health Service.—Sec. 10. And the Secretary of the Treasury is hereby authorized, in his discretion, to employ, for service within or without the District of Columbia, without regard to civil service laws, rules, and regulations, and to pay from the sums hereby authorized and appropriated for construction purposes, at customary rates of compensation, such additional technical and clerical services as may be necessary, exclusively to aid in the preparation of the drawings and specifications for the above-named objects [additional hospital facilities for discharged sick and disabled soldiers] and supervision of the execution thereof, for traveling expenses, and printing incident thereto, at a total limit of cost for such additional technical and clerical services and traveling expenses, and so forth, of not exceeding $210,000 of the above-named limit of cost. All of the above-mentioned work shall be under the direction and supervision of the Surgeon General of the Public Health Service, subject to the approval of the Secretary of the Treasury. (40 Stat., 1304.)

cial architectural or other technical experts for the construction of public buildings. The remaining acts use a precisely opposite formula: that "with the exception of" the employees in question, all other employees of the board or bureau in question "shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil service law."

It is to be noted that in all cases, except those already mentioned in which the exclusion from the civil service law is only tentative and may be terminated by the President, the act definitely excludes the employees affected from any possible inclusion under the provisions of the civil service law generally. There would seem to be nothing in the acts, however, which would prevent the President from exercising, with reference to these classes of employees any more than any others, the powers conferred on him by the act of 1871. Such being the case, it is perfectly possible for him, despite these provisions of law, to apply to these positions the same system of selection as would be applied were they under the civil service law, or for that matter, a system of selection placing on the discretion of the appointing officers an even more severe restriction than is imposed under the civil service rules. It may thus be said that the acts in question are merely in the nature of a moral mandate to the President and in no wise limit his power over the system of selection to be applied to these positions. It was doubtless this power which President Wilson had in mind when he declared, in a memorandum explaining his approval of the act of October 22, 1913, exempting deputy collectors of internal revenue and deputy marshals from the operation of the civil service acts, that "The control of the whole method and spirit of the administration of the proviso in this bill which concerns the appointment of these officers is no less entirely in my hands now than it was before this bill became law." [1] Perhaps, however, the reference was merely to the control possessed by the President

[1] Thirty-first Report of the United States Civil Service Commission (1914), p. 138.

by virtue of his general power of direction, based on his power of removal.

It need hardly be said that no justification exists for any of the exceptions to the civil service act made by these statutes. The President possesses ample authority to except from open competitive selection any position if it seems to him that the exception will facilitate the government's work. The only explanation for this succession of exceptions from the competitive principle is the irrepressible desire on the part of certain elements in Congress to extend the area of political appointment.

Exception of Designated Individuals.—In addition to the exception of specific positions made by the rules or statutes, provision is made by the rules for excepting designated individuals from the requirement of competitive examination. The rules provide (Rule II, Sec. 10):

> Whenever the commission shall find that the duties or compensation of a vacant position are such, or that qualified persons are so rare, that, in its judgment, such position cannot, in the interest of good civil-service administration, be filled at that time through open competitive examination, it may authorize such vacancy to be filled without competitive examination; and in any case in which such authority may be given, evidence satisfactory to the commission of the qualifications of the person to be appointed without competitive examination shall be required. A detailed statement of the reasons for its action in any case arising hereunder shall be made in the records of the commission and shall be published in its annual report.

As distinguished from the exceptions made by the President which apply to a given position whenever a vacancy occurs in it, those under this rule consist only in filling a particular vacancy at a particular time. To make this interpretation doubly sure the rule, in fact, provides that "any subsequent vacancy in such position shall not be filled without competitive examination, except upon express authority of the Commission in accordance with this section." The rule is intended, of course, only for the most exceptional use and ordinarily

it has been so employed. During the war, however, frequent use was made of it by the War Department, the War Trade Board, and the Department of Commerce.

Two classes of cases are embraced under the rule. In the one the exception from competition is called for because of the nature of the "duties or compensation"; that is presumably where the duties are so arduous, hazardous, or unattractive, and the compensation so low, that it may be assumed that there will be no competition and that the service should deem itself fortunate to obtain any applicants willing to accept. Where such condition exists, however, it would seem that the position itself should be placed in the excepted class, as have several positions that fall in this category.

The second class under this rule embraces cases in which "qualified persons are so rare that open competitive examination is undesirable." The grounds upon which this provision can be defended are difficult to see. The fact that qualified persons are very rare so far as the knowledge of the department or the Commission goes, would seem to furnish the best possible reason why open competition should be invited, in the hope that additional qualified persons, whose identity may not be known to the department or the Commission, may present themselves. It may be urged, however, that this rule permits the designation of a person of such high and unusual qualifications that he would decline to enter a competition for the place. Examination of the cases in which the Commission has actually applied the rule, as set forth in its Annual Report, does not, however, support the belief that such instances have actually occurred. In point of fact the Commission has always been studious to point out that, under the method of non-assembled examination, which it invariably employs for the higher posts, applications have been secured from individuals of the highest distinction in their several lines of work.

In addition to this method of excepting designated individuals from competition which is recognized by the rules, the practice has grown up of issuing executive orders excepting designated individuals from examination. Persons so ap-

pointed have all the rights and privileges of persons appointed through competitive examination.[1] Under a practice inaugurated by President Roosevelt, requests for such orders are submitted to the Civil Service Commission for recommendation before being passed on by the President;[2] but instances are relatively numerous in which the President has issued such orders, despite the non-concurrence of the Commission.

The practice of special exception by the President has developed proportionately to the increasing rigidity of the competitive system. During the first fifteen or twenty years after the passage of the act, while a large though steadily diminishing area still remained to which the principle of competition had not yet been applied, but few requests were made to the President for the suspension of the rules. Since the application of competitive methods to virtually all positions in the classified service, which became effective about 1900, the exceptions have averaged about one per week. The number of exceptions made in each year, beginning with 1901, is as follows:

1901	3	1911	47
1902	10	1912	66
1903	30	1913	91
1904	22	1914	77
1905	60	1915	91
1906	71	1916	73
1907	77	1917	85
1908	64	1918[3]	13
1909	38		
1910	55		973

In about 125 cases the Commission has advised the President against the making of the exception, but has been over-

[1] Minute of the Civil Service Commission, April 6, 1904. Thirty-fifth Report of the United States Civil Service Commission (1918), p. 65.

[2] In rare instances (perhaps no more than a dozen in all) this practice has been ignored by the President.

[3] The small number of exceptions made in 1918 was doubtless due to the fact that owing to the war emergency there were in force a large number of general orders excepting large classes of positions, and in some cases the entire personnel of a service, from competition, so that it was possible for virtually everybody to find employment without seeking executive intervention.

ridden. In all the remaining cases, except a very few where its opinion has not been sought, it has either expressly approved or offered no recommendation.

By far the most common reason advanced for making the exception is that the persons whose exception is proposed possess special fitness or availability. Of the 973 orders listed above no less than 498 would fall under this head. The plea of special fitness is hardly valid since the open competitive method is eminently suitable to secure the services of the individual whose appointment is sought if he, in fact, possesses the "special fitness" alleged. As an illustration of the unconvincing character of the statements made in connection with some of the executive orders making exceptions on this ground may be cited the following:

> Mrs. ———, of California, may be appointed to a position in the United States Employment Service of the Department of Labor, without reference to the civil service rules. Her appointment is recommended by the Secretary of Labor. It is stated that Mrs. ——— possesses qualifications which eminently fit her for a position in the employment service. The Civil Service Commission does not concur in the recommendation.

Under the head of "special availability" are found, for the most part, cases in which a person is already in the service in one capacity and whose assignment, transfer, or promotion to the position desired is interdicted by the rules. In a few instances it may be that the situation is so peculiar that special exception should be resorted to, but in most cases, if the rule has any merit, there is no reason for setting it aside.

A related class of cases, and the next largest numerically, being larger indeed than all the remaining classes combined, is that in which the person in whose favor the exception is made has been separated from the service for more than a year and is thus ineligible for reinstatement. These cases numbered 231 during the period covered by the figures above given. They doubtless indicate that the rule limiting eligibility to reinstatement in all cases to one year is unduly severe,

and at a subsequent point where this matter is considered the recommendation is made that the rule should be made more elastic. Nevertheless, so long as it remains the rule, it should be enforced.

Other exceptions of persons who could not meet one or another of the requirements in the rules (in most cases with respect to physical qualifications) numbered 94 out of the total of 973 exceptions above listed. Here again the same consideration applies as in the two preceding cases.

The last important class of exceptions, embracing 81 during the period covered, is made up of cases in which appointment without examination was permitted to a woman on the death or disability of her husband, son, or brother, upon whom she was dependent for support. At first blush, the mere fact that the person upon whom she was dependent was formerly in the service would seem to give the dependent no claim whatever to a position in the service. Looked at from the standpoint of the employees already in the service, however, much may be said for a policy of assuring employment, within such limits as may be consistent with the good of the service, to dependents of employees left without support upon the death or disability of the employee. Such a policy would have an obvious value in making the service attractive to the employee in exactly the same way that retirement and insurance benefits do so, but if such a policy is adopted it should be carefully formulated and promulgated as a general rule to the benefits of which all would be equally entitled under like conditions. Moreover, careful limitations should obviously be placed in the rule to safeguard the service against an undue access of personnel of this type. Manifestly none of these requirements are satisfied by the practice of making these exceptions by executive order.

A special class of exceptions embraces cases arising from time to time, through the discontinuance of certain temporary agencies, necessitating the discharge of employees. In the few cases of this kind which have occurred provision has been made by executive order permitting the appointment of these

clerks without competitive examination. In some of these cases the employees had originally entered the service of the temporary agency without examination, so that there was little reason for these exceptions in their favor. In any case, however, there should be a permanent rule to cover cases of this kind. At another place account is given of the recent establishment under executive order of reëmployment registers which should make any further exceptions under this head entirely unnecessary.

In summary, the sound method of providing for any meritorious cases which are now taken care of by special exception would seem to be the formulation of general rules, defining all those possible classes of cases in which an exception from competiton seems desirable. A study of the large number of such special exceptions which have been granted in the past twenty years should make it possible to bring within the sweep of such rules virtually every type of case in which exception should properly be granted. The Commission should then be authorized to pass upon individual applications under any one of the rules thus provided.

Even if no such general rules are framed, however, every consideration would seem to demand that the Commission rather than the President should be vested with the power to grant special exceptions. If this much cannot be accomplished, the President at least should make it a rule not to overrule the recommendations of the Commission when the latter recommends a denial of the application for special exception, and the Commission in turn, once its power becomes more than that of mere privilege of expressing an opinion, should make its procedure in this matter more formal.[1]

Laborers.—"Persons employed merely as laborers and workmen," as already stated, are excluded specifically from the operation of the civil service law. They fall, however, under the more inclusive class of "persons in the civil serv-

[1] The National Civil Service Reform League has gone on record as favoring a procedure of this kind. *Good Government*, vol. 33 (January, 1916), p. 15.

ice of the United States" covered by the act of 1871, and it is, therefore, within the power of the President "to prescribe such regulations for the admission of persons" as laborers "as may best promote the efficiency thereof and ascertain the fitness of each candidate in respect to age, health, character, and knowledge and ability." Under this authority it is possible for the President to set up a system of selection identical with or even more rigid than that which he may have prescribed for persons to whom the civil service law is applicable. But as in the case of the classes of employees excepted from the application of the civil service law by special statutes he cannot apply to persons employed merely as laborers or workmen the other provisions of the civil service law or other statutes relating exclusively to "classified" positions, which will be discussed under subsequent heads.

In fact, the President has established a system of open competitive physical examinations for this class of personnel, which now covers perhaps a majority of the class. The precise extent and character of this system will appear in a subsequent chapter.

Strict Construction of Exceptions from Formal Methods of Selection.—The exceptions from formal methods of selection which have been reviewed apply in some cases to specifically designated positions; in others, to all positions of a given class or title. Where the exception is of the latter class, it is essential that precaution be taken that appointments under the "excepted" procedure be confined to positions really covered by the exception; that persons be not appointed to excepted or unclassified positions and then assigned to duties properly belonging to a competitive position. The largest possibilities for this kind of evasion for a long time were in connection with the assignment of persons appointed as "laborers" to duties properly belonging to clerical or sub-clerical positions in the competitive classified service.

The civil service law, as has already been pointed out, excluded from the operation of its provisions regarding selection

"any person merely employed as a laborer or workman" (Section 7), and while the President possesses power under the act of 1871 to apply the competitive method to the selection of laborers, he did not exercise that power till 1904, and then only over a small portion of the field. Hence for over twenty years after the enactment of the civil service law, the labor positions remained outside the competitive system, and indeed untouched by any formal method of selection, except in the navy yards, where a system of formal registration was introduced early. It is not surprising that the tendency to use the unguarded entrance gate to labor positions as a means of evading the competitive system applied to the clerical positions should have reached significant proportions within a few years after the effective application of that system. In 1898 the Civil Service Commission thus reviewed the situation under this head as it had developed in the fifteen years since the enactment of the civil service law:

> The pressure for place, being removed from positions covered by competitive examination, is concentrated upon those outside. These so-called laborer places below the classified service are the only ones which can now be obtained through influence, and the pressure for these places is in consequence very great. The only way to remedy this is to withdraw places of laborers from patronage and to fill them under the registration system, which has proved so admirable in filling places of laborers at navy-yards.
>
> Since 1883, when the civil service law was enacted, there has been an increase of about 37 per cent in the number, and 43 per cent in the salaries, of the unclassified places, while *there has been a slight decrease* in the number of positions originally classified by the civil service act, as well as a decrease in the appropriations for these positions. Practically all of the increase in the classified positions occurred before they were included in the classified service. The tendency toward increasing the number of unclassified positions, in evasion of the civil service act, is not peculiar to the federal service. The same abuses have been practiced in States where the merit system has been established.[1]

[1] Fifteenth Report of the United States Civil Service Commission (1898), p. 271.

It would be of little value to review here the long succession of executive orders and amendments to the rules which have been aimed at these abuses. Prior to 1904 the action taken was directed principally at preventing the performance of "classified" duties, that is, of duties not actually those of a "mere laborer or workman," by persons employed under the title of laborer and thus selected without examination or competition.[1] The inherent difficulty of enforcing such orders, however, owing to the impossibility of any central inspection, over the vast area of the federal service, of the duties actually performed by the great numbers of laborers, is obvious.

At the present time the terms of the rules on this point are sufficiently specific and mandatory. They provide (Rule II, Sec. 5) that

laborers who, in connection with their usual duties, are to perform work of the grade performed by classified employees shall be appointed upon certification by the commission from appropriate registers of eligibles in the manner provided by these rules: and a person employed as a laborer or workman without examination under these rules shall not be assigned to work of the grade performed by classified employees.[2]

In order to keep the Civil Service Commission advised of the conduct of the department in applying this rule, it is further provided (Rule XIII) in connection with the requirement

[1] In addition these rules were aimed at the improper promotion of laborers to "classified" positions. This matter is treated in a subsequent chapter.

[2] "No persons shall be appointed or employed in any executive department or office for the performance of any service of the character performed by classified employees, except in accordance with the provisions of the civil service rules; and before making any appointment or employment for service with respect to which there may be a reasonable doubt as to the requirement of examination the head of the department or office shall confer with the Civil Service Commission for the purpose of determining whether examination is required, and when such conference does not result in agreement the case shall be presented to the Attorney General for his opinion." (Executive Order, November 29, 1904.)

". . . Unclassified laborers may be assigned to classified work incidentally, but not as a part of their main work, in cases where such work cannot be conveniently and economically done by classified employees, but never without the prior consent of the commission, obtained before such assignment, and with a view to the doing of the particular classified work in question by unclassified employees." (Executive Order, April 21, 1909.)

(Section 1) that "every nominating or appointing officer in the executive civil service shall report in detail to the commission whenever and in such manner as it may prescribe, all changes in the service under his authority, that (Section 3):

Reports of appointments and changes in status of mere laborers or workmen shall be accompanied by a statement setting forth specifically the kind of labor performed in detail sufficient to enable the commission to determine the status of each position as classified or unclassified; and a similar statement of duties performed by any employee or pertaining to any position in the executive civil service shall be furnished to the commission on request. All essential changes of duties pertaining to persons appointed as mere laborers or workmen without examination under the civil service rules shall be reported at once to the commission.

In the regulations which have been promulgated for the application of the competitive method to labor positions in Washington, it is provided that:

When an appointment or employment of an unskilled laborer is to be made, the appointing officer shall request the board to certify eligibles, stating the principal duties of the position. If in the opinion of the board the duties are of the grade performed by classified employees, the fact shall be referred to the Civil Service Commission to determine the status of the position as classified or unclassified under section 3 of civil service Rule XIII, and the vacancy shall be filled in accordance with such finding.

No such procedure is provided in the case of appointments to labor positions in the field service, the regulations simply providing (VII, Sec. 1) that:

If a position of laborer requires, in connection with the usual duties of mere laborer, the performance of work of the grade done by classified employees, it should be filled from a register for the classified service and not under these regulations.[1]

[1] These regulations also provide (V, 3) that "heads of offices shall require assistant superintendents or foremen of divisions or crews to make monthly reports showing specifically the kind of labor performed by the unclassified laborers in their charge, which report shall be open to the inspection of the board and the commission."

A person appointed to an unclassified position shall not be assigned to work of a classified competitive position, and shall not be transferred or promoted to such a position except in accordance with the Executive Order of April 21, 1909, *viz:*

It appears that in certain cases the work of various departments, independent offices, and bureaus is of such character that it cannot be economically and conveniently done consistently with a rigorous adherence to the division between classified and unclassified work. In such cases classified laborers are engaged for the greater part of their time on unclassified work, but at the same time there is certain classified work which could be more economically and conveniently done if such laborers were permitted to do it incidentally, and not as a part of their main work or employment.

It is therefore ordered that hereafter when such a state of things exists as is above recited, unclassified laborers may be assigned to classified work incidentally, but not as a part of their main work, in cases where such work cannot be conveniently and economically done by classified employees, but never without the prior consent of the Civil Service Commission, obtained before such assignment, and with a view to the doing of the particular classified work in question by unclassified employees.

It is difficult to ascertain how effective the rules and regulations cited have been in preventing the employment of laborers in duties other than those appropriate to the title. In the case of persons appointed as laborers in the field service, the regulations, as just stated, require periodical reports to the Civil Service Commission. In all other cases, the requiring of such reports is left to the Commission. The Commission has not required by regulation the submission of the information provided for by the rules at any regular periods; nor do its reports in recent years give evidence of any consistent attempt to secure the strict enforcement of the rules on this head.

Since the application of the competitive method to the selection of laborers in certain districts in 1904, and its gradual extension since that time, the importance of the distinction between duties appropriate only to classified positions, and

those appropriate to the positions of "mere laborer or workmen" has steadily declined; and once the extension of the competitive method reaches completion, as it doubtless will in the near future, this distinction will become different only in degree, but hardly in kind, from the distinction between any two other classes of classified positions.

The appointment of persons to positions "excepted" by the rules and their assignment to duties properly appertaining to competitive positions is a possible form of evasion of the competitive principle which, in the earlier days of the system, when the "excepted" positions were very numerous, was not infrequently resorted to. With the gradual narrowing of the area of "excepted" positions, however, and the specific provision of the rules that "not more than one position shall be treated as excepted under the title of any such position unless a different number be indicated," [1] the opportunity for this type of evasion has been diminished to a point where it is rather negligible. Substantially the same may be said of the "non-competitive positions." A zone where an appreciable opportunity for this type of evasion still exists, however, is in those services (the Shipping Board, the Federal Trade Commission, the Tariff Commission, the Veterans' Bureau and the Public Health Service, which have been authorized by statute to appoint specified classes of technical employees and such other "special experts" as may be needed. Here is obviously afforded the possibility of appointing under the title of "special expert" classes of personnel who by no stretch of conscience could truthfully be so designated. While naturally no official information is available on this point, there is reason to believe that this opportunity has not escaped the notice of the skilled job-hunter, and that it has been taken advantage of to a measurable extent.

Similarly there has been from the beginning opportunity for evasion of the competitive requirement in the positions of deputy marshal and deputy collector of internal revenue, which, as already noted, are excepted from competition by special

[1] Schedule I, Civil Service Rules, Paragraph 1.

statute; and with the unprecedented growth of the internal revenue service in recent years this opportunity has correspondingly grown. That it has not been lost sight of, but has been taken advantage of to the full, might have been surmised; and the Civil Service Commission is authority for the statement that a large proportion of the employees "appointed under the designation of deputy collector without reference to the rules are in fact employed principally as clerks, typists, addressograph operators, messengers, etc." [1]

The Civil Service Commission to date has adopted no procedure designed to prevent the possible abuse in the manner indicated of excepted, non-competitive, and statute-excepted positions. In connection with excepted and non-competitive positions, as already suggested, it is doubtful if there is any necessity for action. In connection with the "special expert positions" excepted by statute, however, it would be well for the Commission to obtain from the President an executive order requiring each of the establishments which enjoy the statutory exemption to obtain a certificate from the Commission, prior to making appointment to any position so exempted, that the position, under the statement of its proposed duties certified by the department, is properly embraced within the terms of the statute.[2]

Another closely related evasion against which it is necessary to safeguard the competitive service is the improper promotion or transfer to competitive positions of persons holding positions not subject to examination—whether "excepted" or "unclassified" positions. The regulations bearing on this point will be considered in the chapters on promotion and transfers.

Statistics of Employees According to Method of Selection Status.—Thoroughly satisfactory statistics are not available showing the exact distribution of the federal personnel among the several primary legal classifications, namely: presi-

[1] Thirty-sixth Report of the United States Civil Service Commission, (1919), p. xxi.

[2] This suggestion runs, of course, on the assumption that statutory exceptions persist. The position has already been taken, however, that they should be abolished.

dential, labor, classified, and excepted by statutes; and, still less within each of these primary legal classifications, the numbers respectively selected by competitive or non-competitive examination or wholly excepted from such examination. The latest figures under this head are those published in the Annual Report of the Civil Service Commission for 1917. These show the number of federal employees on June 30, 1917, under the four heads of: competitive classified; excepted and non-competitive; unclassified; and presidential. These data, somewhat summarized, are given on the following pages.

Tradition in Selection.—It must not be inferred that over the whole area of "excepted" positions and of "presidential" positions to which no formal system of selection has been applied, selection is invariably or unqualifiedly political. Such is far from the case. In a number of excepted positions, despite the total absence of formal methods of selection, merit controls almost exclusively; in others merit and political considerations mingle in uncertain degree, varying even with respect to the same position from one time to another. Probably in only a minority of "excepted" positions (if the numerous deputy marshals and deputy revenue collectors be excluded) is appointment determined solely by politics. In the "presidential" positions to which no formal method of selection is applied the situation is equally varied, at least with respect to appointment at Washington. Certain of the bureau headships are filled solely on a merit basis; others solely on political grounds.[1]

Again where it is stated that selection is controlled by political considerations it is not intended to imply that all considerations of efficiency and fitness are ignored. In not a few of the posts which will hereinafter be characterized as being filled by political appointees, the incumbents are, and often customarily have been, men well equipped for their posts; but they are none the less political appointees in that they have been selected, not for outstanding qualifications which distin-

[1] The actual tradition in this regard in respect to the general classes of excepted and presidential positions is discussed in the next chapter.

Positions by Status, June 30, 1917

Department	Number of Positions on June 30, 1917				
	Total	Competitive Classified	Excepted and Non-competitive	Unclassified	Presidential
Grand Total of Table ...	497,867	326,899	125,740	33,094	12,134
In Washington, D. C.					
White House	39		36	3	
State Department	376	280	81	10	5
Treasury Department	9,464	8,693	61	684	26
War Department	4,558	4,360	30	161	7
Navy Department	1,741	1,725	11	3	2
Post Office Department ...	1,555	1,452	13	84	6
Interior Department	5,147	4,604	169	330	[1] 44
St. Elizabeth's Hospital .	1,138	1,135	3		
Miscellaneous	204	135		69	
Department of Justice	1,500	257	354	32	[2] 857
Department of Agriculture.	5,251	4,371	461	416	3
Department of Commerce .	3,176	2,384	22	749	21
Interstate Commerce Commission	978	814	130	24	10
Civil Service Commission .	240	227	1	7	5
Bureau of Efficiency	42	41			1
Smithsonian Institution and Bureaus	778	468	5	305	
State, War, and Navy Department Building	258	157	1	100	
The Panama Canal	135	109	14	12	
Government Printing Office	4,593	4,120	5	467	1
Federal Trade Commission.	244	145	93	1	5
Total: in Washington, D. C.	41,417	35,477	1,490	3,457	993

[1] Secretary, 2 assistant secretaries, 19 bureau officers, Indian allotting agent, recorder of deeds, register of wills, 10 members of Board of Indian Commissioners, and 9 members of board of visitors to St. Elizabeth's Hospital.

[2] Officers of the Department, 18; commissioners of deeds, 23; notaries public for the District of Columbia, 800; trustees reform school, 16.

POSITIONS BY STATUS, JUNE 30, 1917—*Continued*

Department	Number of Positions on June 30, 1917				
	Total	Competitive Classified	Excepted and Non-competitive	Unclassified	Presidential
Outside Washington, D. C.					
Treasury Department					
Assistant Custodian and Janitor Service and contingent force on public buildings	5,441	2,562	52	2,827	
Mint and Assay Service .	908	717	30	145	16
Subtreasury Service	400	390		1	9
Public Health Service ..	3,518	1,939	1,263	124	192
Coast Guard Service ...	54	54			
Customs Service	6,461	5,646	215	491	109
Internal Revenue Service	4,927	3,044	1,813	6	64
Miscellaneous	432	176	250	6	
War Department					
Quartermaster Corps ...	10,545	6,446	1,181	2,918	
Ordnance Department at large	11,387	9,500	89	1,798	
Engineer Department at large	15,767	8,764	916	6,087	
Miscellaneous	3,305	1,678	827	800	
Navy Department					
Exclusive of trades and labor positions	4,679	4,659	19	1	
Trades and labor positions	40,000	32,000		8,000	
Post Office Department ...	522	522			
Post Office except fourth-class postmasters	187,982	79,221	96,785	1,642	10,334
Fourth-class postmasters.	45,079	45,079			
Rural Carrier Service ...	43,339	43,339			
Railway Mail Service ...	21,191	21,191			
Department of the Interior					
Land Service	1,311	1,062	25	14	210
Pension examining surgeons	4,502		4,502		
Indian Service	7,665	2,395	4,453	811	6
Reclamation Service	3,853	3,842	7	4	
Miscellaneous	969	558	386	18	7

POSITIONS BY STATUS, JUNE 30, 1917—*Continued*

Department	Number of Positions on June 30, 1917				
	Total	Competitive Classified	Excepted and Non-competitive	Unclassified	Presidential
Outside Washington, D. C.—*Continued*					
Department of Justice	3,012	732	2,097	7	176
Department of Agriculture.	15,018	8,570	5,553	895	
Department of Commerce .	204		204		
Lighthouse Service	6,655	3,041	2,419	1,195	
Steamboat Inspection Service	371	355	6		10
Department of Labor					
Immigration Service	1,919	1,500	209	202	8
Miscellaneous	2,668	179	844	1,645	
Interstate Commerce Commission	1,392	1,371	21		
Civil Service Commission .	36	36			
Panama Canal Service[1] ...	938	854	84		
Total, Outside Washington, D. C.	456,450	291,422	124,250	29,637	11,141

guished them as peculiarly qualified for the particular post, but because of political services rendered the party in power. Should another party come into power, they would be replaced by men probably equally as well equipped, appointed for political service rendered the incoming party. The significant thing is that they are not a permanent part of the administrative personnel, but a transient group of political careerists, to whom service in the administrative branch of the government is but an incident in a political career, which may embrace equally legislative or even judicial posts.

Term of Office.—The only "presidential" officers at Washington in the general Departmental Service who have a

[1] Not including unclassified and excepted working force which, on June 30, 1917, numbered 19,938.

definite term of office are the Comptroller of the Currency, the Director of the Mint, the Surgeon General of the Public Health Service, the Director of the Coast and Geodetic Survey, the Commissioner of Labor Statistics, the Purchasing Agent of the Post Office Department, and the members of the several independent boards and commissions (except the Civil Service Commission). The term of office provided for the Comptroller of the Currency and the Director of the Mint is five years; for the Surgeon General of the Public Health Service, four years;[1] for the several boards, from three to twelve years. The term of the Postmaster General is fixed by law as being "for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed."[2] As opposed to these officers at Washington, the local chief officers appointed by the President and Senate are in almost all cases appointed for a term of four years. These are the sole provisions of law regarding term of office of "presidential" officers. With these exceptions, all "presidential" officers of the United States have an indefinite tenure of office or employment.

The four-year term of the local officer, far from affording protection against political removal, almost inevitably makes his office a political one, since at the expiration of his term he continues in office only until his successor is appointed. Moreover, if appointed at the beginning of one administration, as a large proportion of these officers usually are, the question of reappointment will arise automatically at the beginning of the next administration, the open season for all political appointments and removals. The existence of this four-year

[1] While the Surgeon General of the Public Health Service is at present appointed for a term of four years this term is not fixed by law. The regulations of the Public Health Service provide that the term of office of the Surgeon General shall be four years, but since the regulations are promulgated by the President he may amend or ignore them. From 1871 to 1911 the Public Health Service (Marine Hospital Service and Public Health and Marine Hospital Service) had only four surgeons general. After a vacancy had been created by death in 1911, President Taft in 1912 appointed the new Surgeon General for a term of four years. The incumbent was reappointed by 1916, but a new head of the service was appointed in 1920.

[2] Revised Statutes, Sec. 388.

term thus presents an almost insuperable obstacle to the growth of an effective tradition of selection for merit. It is conceivable, of course, that if the original selection for any group of these officers were placed, as the appointment of presidential postmaster is now in process of being placed, upon a formalized basis, dependent solely on merit, the renomination and confirmation at the expiration of the four-year period of those who had rendered satisfactory service would become automatic. Under these conditions the tenure would resemble that of the officers of many corporations who hold by election by the board of directors from year to year. Nevertheless the conditions of public life are so much more precarious that even such a basis would be unsatisfactory. With the appointing power vested in a political officer, all administrative officers should hold office indefinitely during good behavior.

In the case of the independent boards and commissions the terms are not only fixed but overlapping so that at most one vacancy occurs a year. This fact, combined with the multiple membership of these bodies, brings it about that it will ordinarily be impossible for the President, except by a wholesale removal of members at the beginning of his administration, to change the political or personal complexion of the body. The same situation might exist, of course, if the tenure of these officers were indefinite, but it may be that in the case of some of the boards there would then exist a stronger temptation to wholesale removal by enforced "resignations" at the beginning of an administration. The long fixed term in these cases has a moral value. It seems to give the incumbent something of a vested right in the office for the statutory period, while indefinite tenure carries no such force. The superficially inconsistent, but nevertheless correct, conclusion thus seems to be that whereas in the case of an individual officer a fixed term is merely a recurrent invitation to removal for political reasons, in the case of a board of large membership, fixed terms, particularly where arranged to overlap, furnish a measure of security against such removal.

The term of office of all non-presidential officers and em-

ployees is indefinite. It would seem to go without saying that this should properly be so—that in the government service the subordinate personnel should hold during good behavior—yet periodically the proposition is made that all the federal employees should be placed on a fixed-term basis. No longer ago than 1896, the platform of the Democratic party declared against "life tenure in office" and favored "fixed terms of office." In 1912 a bill fixing a seven-year term for all classified employees actually passed both Houses of Congress and was saved from enactment only by the veto of President Taft. In 1914 bills were again introduced, one calling for a ten-year tenure and one for a six-year tenure. Even in 1918 in the report of a wholly non-p . ical body, the Tariff Commission, we find the same curious notion cropping up in the recommendation that while the appointment of collectors of the customs should be placed upon a strictly merit basis, their terms of office should be fixed at six years.

The philosophy behind these proposals is in some cases none other than the familiar one of "rotation in office." In his letter of acceptance to the Democratic Convention of 1896 the candidate for President, William Jennings Bryan, commenting on the plank above referred to, declared that "a permanent office-holding class is not in harmony with our institutions; a fixed term in appointive office, except where the Federal Constitution now provides otherwise, would open the public service to a large number of citizens without impairing its efficiency," and in his convention speech he had indeed given a still more naïve expression to this doctrine, saying "what we oppose in that plank is the life tenure which is being built up at Washington which excludes from participation in its benefits all the humbler members of our society."

The more recent attempts to enact a fixed tenure of office for classified employees have generally proceeded, however, on the ostensible ground that only by such methods may the evils of superannuation in the Federal service be avoided without the enormous burden of a retirement system. Quite aside from the objection that the remedy proposed is, from every

sound consideration of personnel administration, far worse than the disease, it is, of course, certain as pointed out by President Taft in his veto message, that such a measure would be ineffective to prevent superannuation unless, indeed, it went to the extreme of absolutely prohibiting the reëmployment of any person at the expiration of the fixed term. The proposals in question, however, have provided in each case that a person separated by their terms from the classified service, may be reappointed, in the discretion of the head of the department, without examination for another term. As President Taft pointed out in his message vetoing the proposed act of 1912, "it has been found impossible to secure an enforcement of the present law which req . es every person who is not efficient in the service of the government to be discharged, because it imposes upon the heads of departments and bureaus the disagreeable and ungracious duty of throwing out of employment, without any means of livelihood, the men and women who have spent many years in the employment of the government and in times past have rendered good service. . . . There will be the same pressure to retain the clerk at the end of the seven years as there was to maintain his minimum rate, and the same reluctance as in the present system to turn him out at an advanced age without means of a livelihood after long years of service."

Over a large area of the service, while the tenure is legally indefinite, tradition requires that the incumbent resign on change of administration, this being the accepted ceremonial method of effecting removal. Should any incumbent to whose office this tradition applies violate the official etiquette by failing to tender his resignation voluntarily, it would be asked for.

In the case of the Comptroller of the Currency and the Director of the Mint, despite the unique five-year term, which, if regularly adhered to, would find every fifth presidential administration opening with these two officers newly appointed for a five-year term by the retiring president, it has been customary for the incumbent of these offices to resign upon a change of administration. Such a custom, of course, sets at naught any

provision regarding term of office. The local officer appointed for a four-year term generally continues in office for a considerable period after the change of administration, awaiting the expiration of his term or the appointment of his successor.

In the Interstate Commerce Commission, the only independent board having fixed tenure of office which antedated the Wilson administration, the custom has never developed of resigning upon change of administration; and it does not seem probable that such a custom will develop in the several boards created since 1913.

Over the remainder of the service, in which indefinite legal tenure prevails, the general rule is, of course, that there is no tradition requiring resignation in the positions to which selection is by formal methods, whether competitive or non-competitive. As to the positions for which no formal methods of selection obtain, the tradition regarding resignation closely follows that regarding selection. Where the tradition of selection on merit is firmly fixed, it is no longer customary, generally speaking, for the incumbent to tender resignation on a change of administration; and where this is done, the tender is perfunctory and not real. Where the tradition of selection is frankly and unequivocally political, the tender is invariably made and almost as invariably accepted. In the twilight zone, in which not a few "presidential" and "excepted" positions lie, where the tradition of selection is not firmly settled on either a merit or political basis, the tender of resignation is not customary. It should be noted that many of the positions specially excepted by statute from the application of the provisions of the civil service law regarding selection fall under the newer independent boards and commissions which, because of their plural membership and overlapping fixed terms, do not experience a "change of administration" in the same way as do executive departments. The tenure of the incumbents of these statute-excepted positions, therefore, tends to be indefinite in fact as well as in law.

Protection against Removal for Political Reasons.—The Constitution is entirely silent on the question of removal (ex-

cept as the provisions regarding impeachment fall under this head). Since it is settled law that in the absence of express provisions to the contrary, the power to remove is an incident of the power to appoint, it might be argued that as to those positions to which appointment is by express provisions of the Constitution required to be with the advice and consent of the Senate, removal should also be by the advice and consent of that body. Again, as to those officers the power of whose appointment resides in the President and Senate wholly by virtue of statute (whether expressly or by omission to specify) sound theory would seem to require that Congress may limit the power of removal in any way it sees fit, since the power of appointment is wholly its creation.[1]

The settled practice of the government, however, has been otherwise from the beginning, the President alone exercising the power of removal from all "presidential" positions. Nor has Congress in any case prescribed anything constituting a real limitation on the power of the President to remove those whom he has appointed with the advice and consent of the Senate.[2] In a few cases it has prescribed what might be termed moral restrictions. If the Comptroller of the Currency or the Director of the Mint are removed before the expiration of the five-year period, the President must communicate the reasons to the Senate. In the creation of the independent boards and commissions of recent years, several of which have powers

[1] The power of the President to remove military and naval officers is very greatly limited by statute, and from a constitutional standpoint there is no reason why the President's power of removal of civil officers should be less subject to the control of Congress; in fact, there is less reason why it should be exempt from Congressional control, in that over the army and navy the President is constitutionally commander-in-chief, a position which he does not constitutionally occupy over the civil establishment.

[2] As is well known, Congress, in 1867, in the course of its conflict with President Johnson, enacted the so-called "Tenure of Office Acts" (Act of March 2, 1867, 14 Stat. 430, and Act of April 5, 1869, 16 Stat. 6, both contained in Revised Statutes, Secs. 1767-1775), by which the advice and consent of the Senate was required for the removal of any officer whose appointment is made with the advice and consent of the Senate. It was the refusal to obey this law that constituted one of the principal articles in the bill of impeachment brought against Johnson. The constitutionality of this act was never squarely brought before the courts, and after the failure of the impeachment it became a dead letter, but was not actually repealed until 1887 (Act of March 3, 1887, 24 Stat. 500).

which might be denominated quasi-judicial, it has provided that removal before the expiration of the statutory term provided (which varies from three to twelve years) shall be only for reasons connected with the good of the service. Aside from these special cases, the power of the President to remove from offices to which he has appointed is unlimited. It may be said, therefore, that there exists no legal restriction on the power of removal from presidential positions.

Since all appointing power other than that exercised by the President and Senate is derived wholly from statute, the power to determine the conditions under which any "non-presidential" officer or employee may be removed is wholly within the control of Congress. The right to remove may be limited by statute in any way or may even be conferred upon an authority other than the appointing authority. But the only provision of law which Congress has in fact enacted, designed to limit the power of removal from non-presidential positions, other than acts applicable solely to the competitive class, is that found in the civil service act (Sec. 13) and now embodied in the Criminal Code of 1910 (Sec. 119). This provision forbids any officer of the United States (other than the President, who is not included in its terms) to "discharge . . . any other officer or employee, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose."

In addition the act specifies, as one of the "eight fundamental provisions," which it authorizes and enjoins upon the President to "provide and declare" in the rules promulgated by him, "that no person in the public service is for that reason under any obligations to contribute to any political fund, or render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so." [1] It will be

[1] The mandate to the President on this point is subject to the qualification that is applied by the terms of the act to all the "eight fundamental provisions," namely that they shall be provided for only "as nearly as the conditions of good administration will warrant." It is significant of the consistent purpose of the framers of the act to allow to the President the widest discretion possible that they should have thought it appropriate to

observed that this injunction, like the direct statutory prohibition just cited, applies only to removal for failure to make a political contribution and does not cover removal for political reasons generally. From the beginning the rules themselves, however, have gone further than this; and the present rules provide that: "No discrimination shall be exercised, threatened, or promised by any person in the executive civil service against or in favor of an . . . employee because of his political or religious opinions or affiliations;" [1] and that "in making removals . . . no discrimination shall be exercised for political or religious reasons." [2]

It will be appreciated that these latter provisions, like those cited with reference to the removal of the members of the several commissions and boards by the President, are virtually unenforceable, since the reason for which a person is removed or dismissed in almost all cases is beyond the reach of any court or enforcing tribunal; nor indeed has any method of enforcement been provided by rules other than investigation by the Civil Service Commission. The only type of provisions regarding removal which have other than a moral effect are those providing for a particular formality of procedure to be observed, or authorizing a reviewing body, as a court, to pass final judgment as to whether the reason alleged by the removing authority in pursuance of such prescribed procedure, was actually in existence—the latter type of provision in effect subjecting the power of removal to the veto of the reviewing body. Neither type of provision has been adopted by Congress with reference to positions outside the competitive class.[1]

Neither in the presidential positions nor in the non-presidential positions outside the competitive service does there exist any effective legal limitation on the power to remove for

embrace so obviously universally applicable a provision as this (as well as the remaining three of the eight provisions) in the general qualification referred to.

[1] Rule I, 2.

[2] Rule XII, 2.

[3] In 1912 Congress prescribed a procedure for removal of persons from the "Classified Civil Service," but this act has been construed as applying only to the *competitive* service.

political reasons; and in practice the injunctions against political removals just cited are virtually a dead letter as regards not a few non-presidential positions. In certain excepted classified positions, removals are regularly made for political reasons, and no attempt is made by the Civil Service Commission to prevent them.

With respect to the provisions bearing on the competitive service, it need only be said at this point [1] that they require that the person whose removal is proposed be given notice in writing of the reasons for which such removal is proposed, and a reasonable time (in practice not less than three days) in which to answer such reasons in writing, and they require the whole proceeding to be made of record in the department and in the Civil Service Commission. Even with respect to the competitive classified service, therefore, the statute furnishes no actual safeguard against removal for political or other improper motives. The real protection against such removal in the competitive service consists, of course, in the absence of incentive under ordinary conditions to make such removal, since the successor of the person removed cannot be selected at will by the removing officer but must be taken from those standing highest in the eligible register prepared by the Civil Service Commission. The same applies with greater or less force to all the other branches of the service to which formal methods of selection have been applied—the consular and diplomatic services, the Public Health Service, the presidential postmasterships, the unskilled labor service in the cities where selection is by competition.

On the other hand, where selection is frankly political, any attempt to establish by law a legal protection against political removal (analogous to the traditional protection enjoyed by the British civil servant before the introduction of the merit system, above mentioned) would be putting the cart before the horse. Such a law, moreover, if at all observed, would saddle upon the service an employee who had not been required to

[1] These provisions are set out more fully in Chapter XV.

demonstrate prior to appointment any qualification for the post.

As applied then to positions to which selection is by formal methods, legal security against political removal is largely superfluous; as applied to positions filled by political appointment it is illogical. Between these two extremes is found the class of positions to which selection is wholly in the discretion of the appointing officer, but in which the tradition of non-political merit selection is more or less firmly established. It is here that legal provision directed against removal for political reasons may be of value, in fortifying and sustaining the tradition of merit in selection. For not only may it actually restrain the hand of the administrative officer who may be tempted to remove a capable incumbent to make room for a political successor, but it may make it easier for the officer who seeks to uphold the tradition of selection for merit to obtain a capable non-political appointee. Only when there is adequate assurance against removal for political reasons can either the non-political permanent personnel or qualified non-political outsiders be induced to take interest in securing appointment to a position. The instances are numerous where the attempt, made in good faith by an administrative officer, to fill a given class of positions on a merit basis, by the promotion of employees from permanent positions, has failed because the employees have been unwilling to take the risk of assuming positions which have traditionally been regularly vacated for political reasons.

For these reasons, it seems desirable that the act of 1912, requiring a formal procedure in removal from the classified competitive service, should be extended to embrace also all non-competitive positions and all excepted positions, whether excepted by the rules or by special statute. It is true that certain of these excepted positions have been filled by political appointees; but the theory of the rules and law is not that they should be so filled, and even if such an extension of the law of 1912 would afford protection at the present time to a certain portion of the employees in these classes who are not morally or

in theory entitled to such protection, the benefits would outweigh this drawback.

The extension of such a protection to those "presidential" positions to which selection is traditionally based on merit presents much greater difficulty. Not only are the great majority of the positions in this class (aside from the postmasters) frankly political, but it is the theory of the law that they should be so, and to attempt in any degree to correct the situation, while leaving all else unchanged, by introducing a legal protection against political removal, would be futile.

CHAPTER IV

THE EXTENSION OF FORMAL SYSTEMS OF SELECTION

In the preceding chapter the various laws and regulations designed to exclude political and other improper considerations from the selection and removal of the Federal personnel were reviewed. In the present chapter the attempt will be made to consider, in respect to those posts to which no formal method of selection has been applied, the extent to which selection actually is or should be controlled by politics, and where such control is improper, how it may be eliminated best.

By confining this chapter to positions to which no formal methods of selection have been applied, it is not intended to imply that selection in the remaining areas of the service, where such methods have been applied, is entirely free from politics. In some cases this is doubtless far from the truth. Nevertheless, the application of a formal system of selection to these positions gives full legal recognition to the principle of merit, and they fall clearly outside of the field which even the spoilsman may regard as legitimate area for political appointment. If in this area the merit principle is in fact violated for political reasons, what is needed is not a basic reform in principle but a revision in the details of the present practice. In the chapters devoted to the examination of these formal systems of selection, some of these matters are discussed in detail.[1]

For the purposes of this chapter the area of political appointment and removal can most conveniently be discussed by considering first the departments at Washington, then the local offices and establishments, and finally the foreign service.

Heads of Departments and Independent Establishments.—As is well known the heads of departments occupy the dual

[1] See Chapters IX and X.

rôle of administrators and political advisors. Viewed as administrators much might be said in favor of their selection purely from the standpoint of capacity and the grant to them of permanency of tenure. As political advisors it is, however, not only proper, but advisable, that they shall be chosen by each President from his political party and with reference to general political considerations. This conflict of considerations is met under the British political system by certain members of the ministry having positions without administrative portfolios and by the provision of permanent undersecretaries who have immediate charge of the administration of the several departments, who are looked upon as non-political officers and who have the same permanency of tenure of office as other administrative officers. There is no reason why a similar system should not be developed in this country.

The position of heads of independent establishments and members of boards or committees representing the directing personnel of such establishments, has, however, a different status in that such officers are neither members of the President's Cabinet, nor strictly his political advisors. Moreover, in the more important of these establishments which have a board or commission form of organization, its members, with the exception of the Civil Service Commission, are appointed for terms of years.

The terms of the members of these boards are so arranged that only one vacancy will arise in any one year and no vacancy at all in certain years, and in the case of the Federal Reserve Board a vacancy arises but once every two years. The result is that while the President selects the entire personnel of his Cabinet, he selects during his four-year term of office at most but four of the five members of the Federal Trade Commission, not appointing a majority until his third year—and may select but two; he selects similarly but five of the seven members of the Shipping Board and may select but four; he selects but two of the five appointive members of the Federal Reserve Board; and but five or six of the eleven members of the Interstate Commerce Commission.

It is evident from these provisions that the law constitutes that these positions shall be viewed as non-political. In respect to them it is thus desirable that permanency of tenure, to be secured through the reappointment of members at the expiration of their terms, should prevail, except where it is clearly evident that the public interests will be advanced by the appointment of new members.

Assistant Secretaries and Analogous Officers.—In each of the executive departments is found one or more chief assistants to the head of the department, variously designated as assistant secretary, undersecretary, etc. All of these are appointed by the President and Senate, except in the cases of the assistant secretaries of Commerce and of Labor. These latter are appointed by the President alone, and are thus in the classified service; their positions, however, are "excepted" under a general provision of the civil service rules, excepting from examination all positions to which appointment is made by the President alone.

These officers are, with exceptions so rare as to be negligible, political appointees. They regularly change with each change of administration. To this rule there have been occasional exceptions. One of the assistant secretaries of State has been retained through no less than nine administrations, covering six distinct changes in the political party in power in the White House, and a few cognate, though less marked, exceptions may be found in the history of other departments. They are, however, too few to impair the truth of the general statement that the post of assistant secretary is a political one.

The position of assistant secretary in our government is thus radically different from that of the undersecretary in the British Government, or the corresponding departmental officer in continental practice. There the undersecretary is the real administrative head of the department, permanent and non-political; he conducts the actual administration, while the political minister or the secretary concerns himself only with the larger and more political aspects of the department's business. With us, the assistant secretary, being as much a political ap-

pointee as is the secretary, is in no wise better qualified to direct the detailed administration of the department; and he thus becomes a mere administrative assistant to the secretary. In several of the departments, notably in the Treasury, Justice, and Post Office Departments, there are several assistant secretaries, each in charge, under the head of the department, of a certain part of the department's work.

The whole institution of the assistant secretary, as now found in some of the departments, might be subjected to criticism from the standpoint of correct organization; for the present purpose, however, it is necessary to point out only that whatever the validity of the arguments advanced for the selection of the secretaries upon a political and personal basis, they have no application whatever to the positions of assistant secretary. No valid reason can be advanced why all these positions should not be filled purely on a merit basis, with the permanence of tenure which that basis implies.

The barring of the assistant secretaryships of the departments to the permanent personnel is particularly unfortunate. It is a type of position—one of the few classes of important positions—which a man or woman of native intelligence, experienced in governmental business, but possessing no special technical equipment, is peculiarly able to fill. It is a goal which, while not of the loftiest, would be exceedingly attractive to the experienced clerk or minor executive, to whom the headship of a bureau, even where filled by merit, is barred by reason of his lack of technical qualifications.

The steps which should be taken to place the position of the assistant secretary upon a non-political, permanent basis are substantially similar to those called for in the case of the bureau or service heads, and the two will accordingly be discussed together after the facts relative to bureau heads have been reviewed.

Heads of Bureaus and Services.—The heads of the several bureaus and services constituting the major primary units of organization of the executive departments, with comparatively few exceptions, are appointed by the President and confirmed

by the Senate.[1] In a few of the bureaus there are found deputy chiefs or assistant directors. Generally speaking these officers are appointed in the same way as are their principals.[2]

Few of the independent establishments are organized in distinct bureaus or services. For the most part they are unifunctional and correspond in their organization to a single service of one of the executive departments, rather than to the department itself.

For bureau heads, with the exception of five,[3] the law provides an indefinite tenure, but despite the substantial uniformity of the legal provisions which thus control their appointment and tenure, diverse traditions have developed with respect to the several offices. Some are avowedly held to be proper fields for purely political appointments. In others, the head virtually holds during good behavior; his removal by the President for purely political causes would be deemed a gross abuse of power. In still others tradition has not yet taken permanent form; a removal for purely political reasons would provoke adverse criticism from the opposite political party, but would not be regarded very seriously.

[1] The exceptions are the Commissioner of Lighthouses, who is appointed by the President alone; the Chief of the Bureau of Investigation in the Department of Justice, appointed by the Attorney General; the Director of the Reclamation Service, and the Director of the National Park Service, appointed by the Secretary of the Interior; the Supervising Architect of the Treasury, and the Director of the Bureau of Engraving and Printing, appointed by the Secretary of the Treasury; and the heads of the several bureaus of the Department of State and of the Department of Agriculture (other than the Weather Bureau) who are appointed by the secretaries of those departments.

[2] The assistant chiefs of bureau, who are appointed by the President by and with the advice and consent of the Senate are: Treasury Department, assistant treasurer and assistant deputy treasurer; Bureau of Internal Revenue, deputy commissioners, five; Assistant Register of the Treasury; Assistant Commissioners of Patent Office, two; Assistant Commissioner of the Office of Indian Affairs; Assistant Commissioner of the General Land Office; Deputy Commissioner of Pensions; Deputy Commissioner of Fisheries; assistant directors of the Bureau of Foreign and Domestic Commerce, two.

[3] The Comptroller of the Currency and the Director of the Mint are appointed for five years, the Director of the Coast and Geodetic Survey, the Commissioner of Labor Statistics and the Purchasing Agent of the Post Office Department are appointed for four years. In the case of the Director of the Mint and the Comptroller of the Currency, the President is required, if he remove them, to communicate his reasons to the Senate; a provision not found in the case of any of the other bureau heads.

While it is difficult to classify the presidential bureau headships with confidence on this basis, the following probably represents substantially the existing situation:

PURELY POLITICAL POSITIONS

DEPARTMENT OF THE TREASURY
- Comptroller of the Currency [1]
- Treasurer
- Commissioner of Internal Revenue
- Director of the Mint [1]
- Register of the Treasury

DEPARTMENT OF THE INTERIOR
- Commissioner, General Land Office
- Commissioner of Indian Affairs
- Commissioner of Pensions
- Commissioner of Patents

DEPARTMENT OF LABOR
- Commissioner-General of Immigration
- Commissioner of Naturalization

INDEPENDENT ESTABLISHMENT
- Alien Property Custodian (appointed by President alone)

POSITIONS HELD DURING GOOD BEHAVIOR

DEPARTMENT OF THE TREASURY
- Surgeon General, Public Health Service [2]
- Captain Commandant, Coast Guard [2]
- Director of the Budget

DEPARTMENT OF THE INTERIOR
- Commissioner of Education
- Director of Geological Survey
- Director of Bureau of Mines

DEPARTMENT OF AGRICULTURE
- Chief of Weather Bureau

DEPARTMENT OF COMMERCE
- Commissioner of Fisheries
- Director of Coast and Geodetic Survey [2]
- Director of Bureau of Standards
- Commissioner of Lighthouses (appointed by the President alone)
- Commissioner of Navigation
- Director of the Census
- Director, Bureau of Foreign and Domestic Commerce
- Supervising Inspector-General, Steamboat Inspection Service

[1] It is notable that the Comptroller of the Currency and the Director of the Mint, who by law enjoy fixed terms, are regularly displaced by a change of administration.

[2] Appointed for four-year term.

Department of Labor
Chief of Children's Bureau
Commissioner of Labor Statistics[1]
Director of Women's Bureau
Independent Establishments
Chief of Bureau of Efficiency (appointed by President alone)
Director of the Veterans' Bureau
Comptroller General[2]

It will thus be seen that of the 33 "presidential" bureau headships listed, 12 are rated as purely political, 21 as wholly non-political. In the case of the 12 listed as purely political, it cannot be said that there is any indication of a tendency towards the development of a tradition of permanence of non-political character.

The offices of Comptroller General and Assistant Comptroller General, created by the Budget and Accounting Act approved June 10, 1921, present a radical departure in procedure relative to tenure and power of removal. These officers are appointed for a term of 15 years, by the President, by and with the advice and consent of the Senate. The law provides that these officers "may be removed at any time by joint resolution of Congress after notice and hearing, when, in the judgment of Congress, the Comptroller General or Assistant Comptroller General has become permanently incapacitated or has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment." It provides also that the former shall not be eligible for reappointment and that when either of the officers attains the age of seventy, he shall be retired.

These unusual provisions depriving the President of the power of removal are due to the fact that the Comptroller General is in effect the representative of Congress in auditing the accounts of the government and in investigating all matters relating to the receipt, disbursement, and application of

[1] Appointed for four-year term.
[2] Appointed for fifteen-year term.

public funds. In order to make these officers independent of executive pressure the power of removal has been placed in Congress alone. The former office of Comptroller of the Treasury was filled by appointment by the President, who also had the power of removal as in the case of other executive officers. There is a story current to the effect that one President was displeased with the decision of a Comptroller, and that he remarked that he could not change the decisions of the Comptroller but that he could change the Comptroller. Whether this story is true or not, it accurately represents the legal relation of the President and the Comptroller of the Treasury under the old law. In the case of the new office of Comptroller General Congress went further in the first bill creating that office and provided for the election of the Comptroller General by Congress. This bill was vetoed by President Wilson on the ground that it encroached on the constitutional prerogative of the President, by providing for the selection of an officer of the government by the legislative branch. The present law meets the constitutional objection by placing the appointment of this officer in the hands of the President, but it also removes him from executive domination by placing the power of removal in the hands of Congress.

There are several lines along which effort to secure the extension of the merit principle to the assistant secretaryships and to the bureau and service headships to which it does not yet apply may be directed. The obvious and direct way—what might be termed the frontal method of attack—consists in seeking the abolition in respect to all of these posts of the advice and consent of the Senate, thus placing them within the scope of the civil service law. Conjointly with this legislation it might be well to try to transfer the power of appointment of assistant secretaries and bureau chiefs from the President to the heads of the several departments. There has come to be a tradition or flavor of politics about presidential appointments of whatever kind; and this of itself constitutes something of a hindrance to the application of the merit principle to such

appointments, however sincerely attempted. The investment of the several secretaries with complete power of appointment of assistant secretaries and bureau or service chiefs, would serve to emphasize by statutory recognition, the purely administrative character of these posts and the impropriety of admitting any political considerations in the selection of their incumbents.[1]

The alternative line of attack is to attempt to secure by Presidential action alone the application of the merit principle to all the assistant secretaryships and to those of the bureau and service headships to which the principle has not yet been applied.

In considering the relative possibilities offered by these two methods, it must always be remembered that, under the law of 1871, as was pointed out in a preceding chapter, the President has by statute, quite aside from and in addition to his constitutional discretion, as full and complete control over the selection of nominees for assistant secretaryships and bureau headships as he would have were those positions placed within the scope of the civil service law. There is no system of selection or regulation which he might apply to these posts if brought under the civil service law by means of the legislation above outlined which may not with equal effect be applied by him under existing law. The sole difference will be that in the latter case the confirmation of the Senate will still be required for all appointments made as a result of such system or regulation. Another point of difference is that if brought under the civil service law and selected by competitive examination or by promotion from employees originally so selected, these officers would enjoy a greater nominal protection against removal. It is not believed, however, that this difference would have any significance in the case of the posts in question.

[1] Another detail of the legislative program would be the substitution of indefinite tenure for the five-year term now fixed for the Comptroller of the Currency and the Director of the Mint. While indefinite tenure does not, as seen, prevent the post from being treated as a political one, a fixed term, especially so short a one, makes it almost impossible to have it treated as a non-political one.

Conversely, even if the legislation outlined were enacted, the coöperation of the President would have to be secured to make it effective; for that legislation, it should be remembered, would not insure the assistant secretaries and heads of departments entire freedom from political considerations, for the President could still place them in the excepted class (as he has done indeed with all positions to which appointment is by the President alone).[1] Indeed, as was shown in the discussion of the legal bases of the federal personnel system, no mere legal change, within the limits of existing precedents, would insure the application of the merit system, except through the cooperation of the President.

Consequently, the chief value which the enactment of the legislation suggested might have would not be in the change of the technical legal status of these positions but rather in the moral and practical effect of a positive declaration by Congress that these posts ought to be filled solely on the basis of merit.

In any case the radical character of the legislative program outlined renders very slim the chance of its enactment in the near future. Since the enactment of the civil service law in 1883, Congress has seldom taken action designed to extend the merit principle;[2] on not a few occasions it has enacted exceptions to the civil service law calculated to weaken and undermine the principle. There seems little reason to hope for congressional assistance for any plan designed to oust the spoils system from these, its traditional strongholds.

The practicability and value of an attempt to secure from

[1] In the case of the Assistant Secretaries of Commerce and of Labor the statutes already vest appointment solely in the hands of the President, but these offices have been treated as on precisely the same footing as the other assistant secretaryships. Were all the assistant secretaryships on the statutory basis, however, the development of a merit tradition would be far easier.

[2] The only instances in which it has taken such action are the act of 1889, providing for non-competitive examinations for entrance and promotion in the Public Health Service, possibly the act of 1906, arranging the consular service in grades and thereby facilitating the application of merit methods of selection to that service, and the act of May 22, 1917, providing for appointments of certain officers in the Coast and Geodetic Survey.

the President alone the extension of the merit principle to these posts depends much on the precise nature of the action which it is sought to have the President take. On the one hand, it might merely be urged upon a President, particularly an incoming President, that in making his nominations to the positions of assistant secretary and to those bureau headships now regarded as political he be guided solely by merit, extending to these posts the tradition of non-political selection already established in the case of the technical bureau headships. The difficulty with this line of action, sound as is its aim, is that it involves no procedural or legal change in the method of selection which may serve as a visible sign, and subsequently as a touchstone, of the actual establishment of the merit principle. This absence of concrete evidence that the merit principle actually governs is indeed a major weakness of the tradition of merit as now applied to the headships of the technical services.[1]

On the other hand, the attempt to secure action from the President may take for its program the promulgation by the President of regulations prescribing a formal procedure by which assistant secretaries and bureau heads are to be selected for nomination. It is believed that, almost regardless of the contents of such regulations, their promulgation would in effect place these posts irrevocably on a merit basis; that the "advice and consent of the Senate" would become as to these posts a mere formality. It is believed consequently that this line of attack is to be preferred to the legislative attack; that it will produce substantially equal results, and that it presents less difficulty and better chances of success.

[1] A case in point arose in connection with the appointment in 1914 to the position of Superintendent of the Coast and Geodetic Survey. The appointee was attacked by the opposition party as wholly lacking in the necessary technical qualifications, but was defended by the administration as possessing in marked degree the type of lay executive ability and vigor particularly demanded at the time by the administrative problems confronting the service. The absence of any formalities in the procedure of selection which insured either that political considerations had been excluded or that the President had acted upon non-political, technical advice made it impossible for an interested public to form any clear idea of the extent to which the appointment had actually been dictated by the needs of the service.

The most desirable and effective feature which should be incorporated in those regulations (a feature which, as pointed out in a subsequent chapter, does not now have place in the civil service rules) would be a clear declaration of the principle that selection from these posts would be made from within the classified service, except where the President expressly certified that such selection would not be in the best interests of the service. To this end the regulations might provide that on a vacancy occurring in any of these positions the head of the department should submit to the President the names of these persons in the service suitable for promotion to such vacancy, with recommendations; or, in the event of there being no person deemed suitable, the names of the persons naturally in line for the position, with the reasons why they are regarded as unsuitable.

The adoption of this principle would be the most desirable method of abolishing purely political appointments not only because it represents the soundest practice on all general counts of selection from within, but because it would escape the difficult problem of applying to those higher posts any formal method of selection from outside the service. It needs no argument that the rigid procedure in selection now applied by the Civil Service Commission to the ordinary competitive posts is not applicable to these posts; and in a subsequent chapter possible modifications of that procedure to make it suitable to these posts is discussed. Nevertheless, despite such modifications, the filling of these posts from without the service by a method that will command public confidence must always remain difficult and should be resorted to only when indisputably demanded by the good of the service.[1]

In one case such provision has been written into the law—that of the Director of the Coast and Geodetic Survey.[2] For many years this officer had been appointed by the President, by and with the advice and consent of the Senate without legal

[1] See Chapter XI.

[2] Designation changed from Superintendent to Director by Act of June 5, 1920 (41 Stat. 929).

restrictions, but the act of June 4, 1920 (41 Stat., 825) provides that "he shall be appointed by the President, by and with the advice and consent of the Senate from the list of commissioned officers of the Coast and Geodetic Survey not below the rank of commander for a term of four years, and may be reappointed for further periods of four years each." For the fiscal year 1922 provision is made for nine officers, exclusive of the director, of the rank of commander and higher.

The regulations of the Public Health Service provide that the Surgeon General shall be selected from the commissioned medical officers of the Service above the grade of passed assistant surgeon. As these regulations are promulgated by the President he can amend or ignore them. This regulation is evidently based on the act of January 4, 1889 (25 Stat. 639), which provides that no person shall be appointed a medical officer of the service until after he has passed an examination and that appointment shall be made only to the lowest grade in the service—that of assistant surgeon. No mention is made in this act of the Surgeon General whose appointment is provided for by the act of March 3, 1875 (18 Stat. 371, 377). In 1911, however, the Acting Attorney General held that the "law does not restrict the President in selecting a surgeon general of the Public Health and Marine Hospital Service to the list of commissioned officers in the medical corps of the service." [1] The essential parts of the opinion of the Attorney General are as follows:

There was at that time [January 4, 1889] no specific provision of law at all for the appointment or promotion of any officer in that service except the Supervising Surgeon General. By the act of March 3, 1875 (18 Stat. 371, 377) the latter officer was to be appointed *by the President, by and with the advice and consent of the Senate;* and the class from which he should be selected was not restricted in any respect. The appointment and promotion of the *medical officers,* as distinguished from the Supervising Surgeon General, were governed merely by the Regulations of the Marine Hospital

[1] 29 Op. Att. Gen., pp. 287-293.

Service for 1879, according to which the "medical officers" in the "service" were to be appointed by the Secretary of the Treasury, *upon the recommendation of the Supervising Surgeon General* (par. 23). . . .

The regulations evidently made a clear-cut distinction between the Supervising Surgeon General—who is appointed by the President from any class of surgeons and is not necessarily selected from the service nor subject to an examination—and the "medical officers" who are not regularly commissioned who, after an original appointment to the grade of assistant surgeon, are promoted from that grade to the grade of surgeon by regular steps.

This preëxisting, well-established distinction between the Supervising Surgeon General and "the medical officers" as to the mode of appointment and promotion is vital to a correct construction of the act of 1889, because it appears that that act was passed entirely at the instance of the Secretary of the Treasury, and of the Supervising Surgeons General of the Marine Hospital Service, in order to put into the form of specific provisions of law the regulations of 1879.

. . . . . .

It thus seems clear that the general purpose of the act of 1889 was not to change the method of appointing the Supervising Surgeon General, nor to disturb the distinction recognized by the regulations of 1879 between that officer and the "medical officers" of the service, but merely to legalize the position of the latter, to raise them to the grade of regularly commissioned officers, and to fix in the law the regulations as to their promotion.

Since this opinion was rendered there has been no legislation affecting the conclusions in one direction or another. As a matter of fact all the Surgeons General of the Public Health Service, with the exception of the first one, appointed in 1871, have been selected from the commissioned medical officers of the service.

As has been indicated, were the merit principle given formal recognition in the case of these posts by either the setting up of formal methods of selection or the limitation of selection to those already in the service, it would become a matter of small importance whether the advice and consent of the Senate persisted or not. It is well established that where the merit

principle has received formal recognition in the selection of nominees to "presidential" positions, as it has in the case of consuls, diplomatic secretaries, commissioned officers of the Public Health Service and the Coast and Geodetic Survey, and "presidential" postmasterships—in all except the Public Health Service and the Coast and Geodetic Survey, moreover, the system of selection having been set up solely by order of the President, independently of statute—the confirmation of the Senate has become a perfunctory matter, just as it has in all ordinary cases, in the selection of army and navy officers. The abolition of the advice and the consent of the Senate for these posts, which was proposed as an item in a possible legislative program under this head, would be of value chiefly as evidencing the recognition of the merit principle by Congress. Were that principle established by either of the other methods mentioned (the advice and consent of the Senate still persisting), there would be but little to be gained by an abolition of the advice and consent of the Senate, wholly desirable as such a step would be merely in principle.

Other Superior Personnel at Washington.—The superior personnel at Washington below the rank of chief or assistant chief of a bureau includes but few "Presidential" positions, aside from the commissioned officers of the Public Health Service and the Coast and Geodetic Survey to whose special legal position attention has already been called.[1]

Solicitors of the Departments.—The chief group of such subordinate "presidential" officers is made up of departmental [2] "solicitors." The solicitors for the Post Office and Navy Departments are appointed by the heads of departments and there is no reason why solicitors for other departments should be "presidential" appointees. In fact the corresponding officers of the independent establishments are not so appointed.

[1] The staff of the Hygienic Laboratory conducted by the Public Health Service and other scientific employees are in a large part in the competitive service, their positions not being regarded as those of "medical officers" of the Public Health Service.

[2] There is also a solicitor for the Bureau of Internal Revenue who falls in the same class.

Because of their small number, however, it will be next to impossible to secure the application of formal methods to their selection, as long as they remain in the presidential class. The abolition of the "presidential" status of these officers, and their appointment by the heads of the several departments, is an item in the program of federal personnel reform whose propriety is hardly open to argument.[1]

Auditors of the Departments.—The same is true of the six auditors of the Departments. Their duties are wholly administrative, and long familiarity with government practice is indispensable to efficiency in these posts. Unquestionably the method of "presidential" appointment, which has resulted in the changing of the personnel of these posts with almost every changing administration, has failed to give satisfaction.

As long ago as 1910 the Secretary of the Treasury recommended that, instead of the President and Senate, he be given the power to appoint these officers;[2] and in the budget act, which establishes the office of Comptroller General, they are abolished altogether. That act, however, provides that the duties of the Auditor for the Post-Office Department shall be performed by the Comptroller of the Bureau of Accounts of the Post-Office Department, who is appointed by the President, by and with the advice and consent of the Senate.

Chief Examiner of the Civil Service Commission.—A presidential appointee who stands somewhat in a class by himself is the Chief Examiner of the Civil Service Commission. The law does not expressly require that he be appointed by the President and confirmed by the Senate, but, as it makes no other provision for such appointment, it has been held that,

[1] In 1912 there was some discussion in the departments of the desirability of placing the position of solicitor on a merit basis by taking it out of the presidential class, but no action was taken (see Thirtieth Report of the United States Civil Service Commission (1912), p. 10). Doubtless the suspicion which would have attached to such action at that time, of its being an attempt to "cover in" the then political incumbents—a difficulty always found in attempts to convert positions from a spoils to a merit basis, but particularly so when an election is impending—may have had something to do with this.

[2] Annual Report by the Secretary of the Treasury for the year ended June 30, 1910, p. 13.

since the chief examiner is an officer, he is to be appointed by the President with the advice and consent of the Senate.[1]

This anomalous position of the Chief Examiner is not based on reason. He is a technical advisor and officer of the Commission, and if appointment to any position in the service should be utterly removed from any possibility of political consideration, it should be his. In point of fact no suggestion has ever been made that any of the chief examiners have been appointed on any considerations other than their merit. Nevertheless, the present method of appointment not only deprives the position of such protection against removal as is afforded classified, competitive positions, namely, the requirement of charges, opportunity to answer, etc., but it carries with it the possibility that at some future time the appointment of a chief examiner may be affected, in a measure, by political considerations. The point is well illustrated by the fact that, on the forced resignation in 1919 of one of the Civil Service Commissioners, he made a public statement to the effect that "a short time ago the Commission unanimously recommended that the President appoint as Chief Examiner an employee of the Commission who is far better qualified for this position than any other person of whom the Commission has knowledge, but the Postmaster General desired that the position be filled by another person of his own selection." Were appointment vested completely in the hands of the Civil Service Commission, and were that Commission, as elsewhere urged, completely removed from the possibility of pressure by the administration, the selection of the Chief Examiner of the Commission could not be affected by any such considerations as have been suggested.

The remaining presidential appointees at Washington [2] are of minor importance, though in each case they are purely ad-

[1] Opinion of the Attorney General, May 26, 1886, 18 Op., 4, 11.

[2] These officers are: the purchasing agent of the Post Office Department, the examiners-in-chief of the Patent Office, and the recorder of the General Land Office. In any general revision of the law they should undoubtedly be placed in the classified service. The tradition of merit appointment of the examiners-in-chief of the Patent Office now appears to be well established.

ministrative officers and no justification exists for their political appointment, which is now the general though not invariable rule, and the danger of which is in any case always present.

Smithsonian Institution and National Home for Disabled Volunteer Soldiers.—The appointment of the executive heads of the Smithsonian Institution and of the National Home for Disabled Volunteer Soldiers differs from that of any other executive offices of the government in that it is vested in boards composed in part of *ex officio* members and in part of members elected by Congress. The Secretary of the Smithsonian Institution is elected by the Board of Regents, which is composed of the Vice President, the Chief Justice, three members of the Senate appointed by the President of the Senate, three members of the House of Representatives, appointed by the Speaker, and six other persons elected by joint resolution of the Senate and House of Representatives. Of the six members elected by joint resolution two must be residents of the District of Columbia; no two of the remaining four can be elected from the same state. Members of the House of Representatives serve for two years, members of the Senate during the term for which they hold without reëlection their office as Senators. The term of office of the elected members is six years.

The Board of Managers of the National Home for Disabled Volunteer Soldiers consists of the President, the Secretary of War, the Chief Justice and seven members elected by joint resolution of Congress. The Managers elect from their own number a president who is the chief executive officer of the board. This organization, however, is a field service and has no personnel in Washington.

Subordinate Personnel at Washington.—With the exception of the few presidential positions which have just been reviewed all positions at Washington below the grade of bureau head or assistant chief are appointed by the head of the department or establishment. All these positions above the labor class are, therefore, in the competitive classified service unless specifically excepted by statute or by civil service rule.

Legal Employees.—The most important group of "classified" positions in Washington now exempted from competition by the civil service rules is the legal service, centering particularly, of course, in the Department of Justice. The political appointment of several departmental solicitors, who are the chief legal officers outside the Department of Justice, has already been mentioned. These officers are presidential appointees. By the civil service rules, however, substantially all the remaining legal positions in the Government, except in the lowest grade, that known as "law clerk," are also excepted from competition. By the rules all "attorneys, assistant attorneys, and special assistant attorneys" in all departments are excepted from competition (Schedule A of the Civil Service Rules, I, 4). In the Department of Justice all "examiners" and "all positions and appointments deemed by the Attorney General to be legal in their character and which relate to temporary service or which grow out of appropriation acts committing to the Attorney General the execution of some purpose of the law and the expenditure of funds therefor but not creating specific positions," are also excepted (Schedule A of the Civil Service Rules, VI, 3, 5). In addition, there are various other exceptions under the several departments, which in some cases might seem to be covered by the general exception of all attorneys, assistant attorneys, and special assistant attorneys, but which apparently have been specifically listed out of an abundance of caution.[1] Finally under the statutory exceptions to competition, extended to nearly all the independent boards and commissioners in respect to their technical personnel, the legal employees of these bodies are generally appointed without competition.

The net result, as already stated, is that substantially the whole legal service above the lowest grade is excepted from competition except where the head of the service has chosen

[1] These exceptions are as follows: one law officer in the Bureau of Insular Affairs, War Department; officers to aid in important draft work, and assistant solicitors in the Department of State; and the chief law officer of the Reclamation Service.

to organize the legal positions on a competitive basis by giving to them titles which would take them out of the exceptions provided by the rules.[1] These positions are filled sometimes purely on political grounds; sometimes purely on the score of merit (as was the case when the Department of Justice some years ago conducted an examination, more or less competitive, for filling vacancies in the lowest grade, that of assistant attorney) and sometimes by a combination of both considerations. Occasionally an employee who has entered by the competitive route and has served as law clerk is promoted; and in a few instances such employees have risen very high in the service. The whole system is thus such a compound of political considerations and merit that historical research would be necessary to determine the factors actually behind the selection of any particular individual. The extent to which removals are made for political reasons is again similarly irregular.

That no sufficient reason exists for the continuance of this situation in the legal service is obvious. That service is purely technical. Only technical excellence is required of its members. The whole service should be placed squarely upon a basis of merit. The political tinge which the legal service of the government now has is no more appropriate to it than would a similar tinge be to the engineering or the medical service. The recommendation for the competitive classification of all positions of attorney and assistant attorney now excepted has had the endorsement of at least one of the attorneys-general, Charles J. Bonaparte.[2] The absurdity of the current situa-

[1] Thus in the expansion of the Internal Revenue Bureau, as the result of the war revenue acts, the need arose for a large expansion of the legal force of that bureau. A large number of appointments to this bureau were recently made under the title of "Special assistant, legal unit," and are consequently made by competitive examination. Had the Commissioner of Internal Revenue chosen to designate these positions "attorney" or "assistant attorney" they would have been excepted from examination.

[2] Annual report of the Attorney General, 1912, p. 8. The entire statement of Mr. Bonaparte merits reproduction. "With a view to the establishment of a merit system for the appointment of attorneys and assistant attorneys in the department similar to that governing the classified civil service, during the last fiscal year I made the experiment of filling two or three positions in the following manner:

tion in this level of the legal service is emphasized by the fact that certain of the positions of law clerk—a competitive classified position—enjoy a salary as high as $3,000 while certain of the assistant attorneys who are in the excepted class receive only $2,500.

Employees of Certain Boards and Commissions.—A second major class of positions in the federal service at Washington that may be filled through political influence are those placed outside the provisions of the civil service law by special statute. These embrace all the employees of the Federal Reserve Board and of the Federal Farm Loan Board and the secretaries, technical and "expert" employees of the Federal Trade Commission, the Shipping Board, the Veterans' Bureau, and the Tariff Commission. It is perhaps true that the employees selected by these bodies under the authority of these statutes without reference to the civil service law or rules, and indeed without any formalized system of selection in most

Applications were invited from all aspirants to appointment, especially from the younger graduates of the leading law schools; the territory selected for the experiment being that within reasonable reach of Washington. Notwithstanding this limitation of the field, and the short time given for advertisement, 65 candidates presented themselves, among them a considerable number of the most promising of the recent graduates of law schools.

Their qualifications were carefully investigated by a committee consisting of two attorneys of this department familiar with the particular duties attached to the positions to be filled, and two officers of the Civil Service Commission (the chief examiner and the law examiner) detailed by the courtesy of that commission to coöperate in the experiment. This committee held no formal written examination, but investigated the records of the applicants, corresponded with the persons to whom they had referred, studied samples of legal briefs and law memoranda previously written by them, and held personal conferences with such as were found to be most promising. As a result of this investigation, the committee submitted to me the names of the four applicants who they considered best suited to meet the requirements of the vacant positions. I appointed the first two on this list, one of them a recent graduate of high standing of the Harvard Law School and the other a recent graduate of like high standing of the Columbia Law School. I have recently filled another minor attorneyship by appointing the third of the four applicants so selected and recommended.

These appointees have proved so satisfactory in their departmental work as to convince me that such a method of selection is not only practicable and convenient, but that it would greatly strengthen the legal force of the department.

I therefore recommend the adoption of this method of selecting the attorneys and assistant attorneys, as a permanent policy, by the classifying of these positions as competitive under the civil service rules."

cases, are in most cases as competent and capable as any who would have been selected through the ordinary competitive methods. Nevertheless the absence of those methods furnishes an opening for the entrance of political considerations; and here and there they do enter unquestionably. The abuse is minor, but it is still an abuse and it has always latent in it large powers of growth should a different tradition develop in any of these bodies. Moreover, even when the employee selected is wholly competent and has been selected perhaps wholly without reference to political considerations, the fact that there has been no open competition or even invitation of applications with respect to the position throws an atmosphere of doubt and suspicion over the whole proceeding. By so much it weakens the morale of the personnel as a whole and in particular of those employees in the competitive classified service who would be eligible for transfer or promotion to the positions thus informally filled were they on the regular competitive classified basis.

Private Secretaries and Confidential Clerks.—Another group of positions in Washington, much smaller than either of those already covered, in the selection for which politics plays a greater or less part, is that of so-called private secretaries or confidential clerks to the heads of departments and bureaus, who are excepted by the civil service rules.[1] Unimportant numerically as this group of positions is, the opportunity af-

[1] The rule provided for the exception in all executive departments of two private secretaries or confidential clerks to the head of the department and in addition the Secretary of the Interior has an "assistant" who is excepted. The rules also provide for "one private secretary" or "confidential clerk" to each of the heads of bureaus appointed by the President in the executive departments, though it is not apparent why the fact that the bureau head is appointed by the President rather than by the head of a department should make any difference in respect to the need for a "private secretary" or "confidential clerk." Similarly, the purchasing agent of the Post Office Department is allowed an excepted private secretary by the rules, apparently for no better reason than he, too, is a presidential appointee. Private secretaries are also allowed to the Public Printer and to the Chief of the Bureau of Efficiency. The provision of excepted private secretaries to the heads of the several independent establishments other than the Interstate Commerce Commission and the Civil Service Commission is effected by the use of the statutory exception from competition applicable to those bodies.

forded for the entrance of political considerations is a violation of principle and should be eliminated by placing these positions in the competitive classified service. These positions are, of course, no more confidential than a host of other positions which are in the competitive classified service. The inclusion of the positions under discussion in that service need not limit materially the ability of the head of the department or bureau to select a secretary personally acceptable as the large number of available employees in the department or bureau among whom selection may be made offers an ample opportunity under this head.

Cognate to the positions of private secretary, secretary, and confidential clerk are those of "confidential inspectors" and "special agents." These are now found only in the Department of the Interior and in the Department of Justice. In the Department of the Interior exception is made of "inspectors whose duties are of a confidential nature" in the office of the Secretary and of the six "special agents" in the General Land Office to investigate fraudulent entries and other matters of a criminal nature (Schedule A, VII, 11); while in the Department of Justice all operatives of the so-called Division of Investigation are excepted under the general exception above cited in connection with the legal service of "positions and appointments deemed by the Attorney General to be . . . confidential in their character and which relate to temporary service, or which grow out of appropriation acts committing to the Attorney General the execution of some purpose of the law and the expenditure of the funds therefor but not creating specific positions," all of the funds for this division being regularly appropriated in this manner.

The position of "detective" or "operative" is not indeed one which at first blush seems readily susceptible of being filled by competitive examination, and indeed it is of all positions one to the application of which the competitive method is perhaps least appropriate. Nevertheless, it does not follow that positions of this character cannot be filled other than by

designation of persons outside the service. In a service as large as the federal service it is always possible to find within the competitive service a sufficient number of persons capable of filling positions of this character to complete satisfaction.

In this connection it is not without interest that the entire detective force of the New York Police Department, admittedly one of the most efficient detective forces in the world, is entirely recruited by the detail to the detective bureau of patrolmen who show aptitude for the work. Yet the original examination by which patrolmen are secured is solely directed to ascertaining the physical qualifications of the candidate and his possession of even less than the somewhat limited scholastic acquirements supposed to result from a common school education. That it would be possible to recruit an equally efficient force from among the large and varied range of the federal service can hardly be questioned.

Even if, as is perhaps substantially the case at the present time in the Department of Justice, the force is selected in fact for the most part on a merit basis, its removal from the excepted class is particularly desirable. The absence of any formal requirement of merit or any formal system of selection opens wide the door for political influence and occasionally, if not more frequently, a political appointment is bound to be made. Yet the service is one which it is obviously peculiarly desirable to keep entirely divorced from politics.

The remaining exceptions to competition in the departmental service are of a special character which hardly warrant discussion, though in practically no case is there any good reason why exception should be made.[1]

[1] These positions are: one specialist in higher education in the Bureau of Education (See Schedule A, VIII, 24); one inspecting engineer and inspectors in the purchasing department of the Panama Canal (Schedule A, X, 2); and the director of the valuation division in the Interstate Commerce Commission and his chief assistants, two; five experts to be members of an advisory board; five persons of a board of engineers; one supervisor of land appraisals; and one chief accountant (Schedule A, XII, 1, 5). This list, of course, does not include a few minor officers, the reason for the exception of which is that they involve only temporary or occasional service or that the salary is too low to secure competition. These have all been mentioned in the preceding chapter.

With the exceptions just reviewed all the positions at Washington below that of chief or assistant chief of a bureau are on a competitive basis,[1] those above the grade of laborer being in the classified competitive service and those of that grade being embraced in the competitive labor regulations of November 15, 1904.

Field Service; Chief Officers.—Passing to the field service, it should be noted first that the field organizations maintained for the purposes of research and survey by the several scientific bureaus of the government are treated, from the standpoint of appointment, in the same way as are the personnel permanently located in Washington. The officers in charge of local offices and stations in one of these services, like the officers of corresponding rank and responsibility in the service at Washington, are, therefore, in the competitive service. In the permanent local offices and establishments the chief officers are in most cases appointed by the President with the advice and consent of the Senate. There are, however, important exceptions to this rule. It will be well for purposes of future reference to list here all the classes of local establishments and offices of the government and the titles of their chief officers, grouping them accordingly as the appointment of such chief officers rests with the President and Senate or with the head of department.

I. Chief Local Officers Appointed by President with Advice and Consent of the Senate

- Treasury Department
  - Mints
  - Assay Service—Superintendents, Assayers, Melters and Refiners, Coiners
  - Internal Revenue Service—Collectors
  - Customs Service—Collectors, Naval Officers, Appraisers
- Department of Justice
  - District Attorneys
  - Marshals
- Department of the Interior
  - Public Lands Service—Registers, Receivers, Surveyors General

[1] A few positions are on a non-competitive basis.

Department of Commerce
Steamboat Inspection Service—Supervising Inspectors
Post Office Department
First, Second, and Third Class Postmasters[1]
Department of Labor
Immigration Service—Commissioners of Immigration

II. Chief Local Officers Appointed by the Heads of Departments:

Treasury Department
Office of Comptroller of Currency—Chief National Bank Examiners
Department of Justice
Wardens of Penitentiaries
Post Office Department
Fourth-class Postmasters[2]
Department of the Interior
Reclamation Service—Project Managers
Indian Service—Superintendent of Schools and Reservations
National Park Service—Superintendents
Department of Agriculture
Forest Service—Foresters (in charge of the several forests)
Department of Commerce
Shipping Commissioners
Department of Labor
Naturalization Service—Chief Examiners
Civil Service Commission
Secretaries of District Offices

General Conditions.—The total lack of principle which characterizes this classification of the local officers with respect to their method of appointment is explainable largely on historical grounds. Most of the services in which the appointment of local offices is by the President subject to confirmation by the Senate run back many decades; while those in which appointment is by the head of department are, in almost every case, of comparatively recent origin. The appointment of local officers by the President and the Senate is thus a venerable

[1] Many of the second and all of the third class postmasters are not in any real sense "officers" at all, being in fact merely clerks in charge of small offices. They are included here, however, because it has been customary to treat them in law in the same manner as the postmasters in charge of the post offices in the large cities.

[2] As explained in connection with the preceding list, fourth class postmasters are not, properly considered, "officers."

historic institution, which Congress itself now tends to abandon or at least to keep within its present limits.

It should further be said that the newer services in question are in nearly every case technical in character, while the long established services are administrative, that is, charged with the enforcement of law. The distinction is by no means so clear cut or so consistently adhered to that any justification of the difference in appointing method could properly be based upon it.

With the exception of the eleven supervising inspectors of the Steamboat Inspection Service and of certain classes of vacancies in the position of postmaster, the "presidential" positions in question are filled invariably on political grounds, and are invariably vacated on or before the expiration of the statutory term if there has been a change of administration.[1] As is common knowledge, nominations to these positions in reality are normally made in the first instance not by the President, but by the Senators of the state in which the vacancy exists, where those Senators are of the same political party as the President; and by the party leaders of the President's party in the State, should the Senators from the state in question be of the opposing political faith.[2] The appointees are almost without exception persons who have rendered political service to their party; only in the rarest cases have they been selected from within the service, and when so selected

[1] In 1907 the Civil Service Commission stated that "the average tenure of collector of customs and other presidential officers is gradually increasing," and it regarded this as "probably due to the policy of reappointing efficient incumbents" (Twenty-seventh Report of the United States Civil Service Commission (1907), p. 3). Since at the time the Commission wrote the Republican party had been in office continuously for ten years, whereas during the twelve years immediately preceding 1897 neither party had been in power longer than four years at one time, the question arises whether the "gradual increase" in the tenure of presidential officers observable in 1907 was ever "probably" due to "the policy of reappointing efficient incumbents." At any rate a computation made in 1917, for example, after the Democratic party had been in office four years, would have shown an astounding and by no means gradual decrease in the average tenure of presidential officers.

[2] Occasionally, a Senator or party leader, fearful of offending local sentiment by the recommendation of the candidate of one rather than another of the contending local factions, has held a popular election to obtain the consensus of local preference.

it has been only when their political activity has been conspicuous.[1]

In all the list of local "presidential" officers, there is none which could not be filled with thorough satisfaction on a wholly non-political basis of merit. In no single one of the cases listed do the requirements of good administration call for any exception whatever to the normal processes of competition. The removal of these positions, without exception, from the influence of politics and personal favoritism would improve the administration of the service and would exert a powerful influence for good on the political life of the country. Apart from the question of securing more competent officers the difficulty of recruiting and retaining a capable subordinate personnel, when no opportunity exists for advancement to the principal positions, is obvious and well-recognized; and it has greater importance in connection with the smaller local offices where even the chief position is within striking distance of the average employee, than it has in the large departmental and bureau organizations at Washington. Of the political evils which result from this political selection of the heads of the local offices, it is unnecessary here to speak. All the well worn and well proved contentions of the civil service reformer have their full application here. The complete removal of all local federal offices from partisan control would exert a powerful cleansing effect upon the machinery of both the major political parties.

The Four-year Term: Its History and Disadvantages.— The four-year term is an institution which has served powerfully to fortify the system of political selection of local officers and to make difficult any reform in the direction of placing these posts upon a basis of merit. The tradition of the four-year term for local officers goes back to the very beginning of the government. In the original judiciary act it was provided [2] that marshals should be appointed for a four-year term.

[1] The increasing severity of the civil service rules aimed at political activity on the part of classified employees has now made it virtually impossible for such an employee to render the political service necessary to entitle him to presidential appointment.

[2] Act of September 24, 1789.

For over a quarter of a century these remained, however, the only local officers of the United States having a definite term, but in 1820 it was enacted that the several collectors and surveyors of customs, the so-called naval officers at the several custom houses, the district attorneys, and the registers and receivers of land offices should likewise hold for a four-year term. In 1851, the same principle was applied to the offices of Indian agent and Indian superintendent; but when the office of Collector of Internal Revenue was established in 1862, no fixed term was provided. While this may have reflected at the time a disposition on the part of Congress to abandon the fixed term for local officers, such an attitude did not long persist. In 1872 postmasters who had hitherto been appointed in every case for an indefinite term were classified into four classes, and all except those in the lowest class, that is all where office receipts amounted to as much as $1,900, were thereafter to be appointed for four years. This was the most sweeping and the most indefensible extension of the four-year term ever made by Congress. It was followed by one other extension—that of 1894 providing a four-year term for the commissioners of immigration at the several ports. At the present time, therefore, the only important local presidential officers who do not hold for a four-year term are the collectors of internal revenue.

Clearly, no lasting progress can be made towards putting these local offices upon a basis of merit until the fixed term is abolished. Even if a merit system of selection be set up for appointment to these positions, their character as permanent, non-political posts will never become irrevocably established so long as their incumbents are required to seek reappointment, or even to face the possibility of non-renewal of appointment, every four years. The abolition of the four-year term of local officers, even if unaccompanied by any change in the method of their selection, is thus an important item in the immediate legislative program of personnel reform.

Action Required to Put Field Service on a Merit Basis.—With the four-year term abolished, the way would be clear for

a complete conversion of these local offices to a merit basis. Such a change could be made, as in the case of other "presidential" offices, solely by executive order. Reliance on mere executive order, rather than on statutory classification is, in the case of local officers, open to several minor objections which do not exist in the case of the heads of bureaus and the assistant secretaries. In the first place, in legislation regarding personnel, distinction is naturally made in numerous cases between those employees who are subject to the civil service law and those not so subject. If local officers are to be in reality under the merit system, they should obviously be included in legislation intended to apply to the employees under that system. Perhaps the most serious objection to the introduction of the merit system in local offices merely by means of executive order is, however, that it will not enlist public confidence in the same degree that will outright classification under the civil service law.

The legislative program for the placing of local officers upon a merit basis should also embrace the abolition of the local residence requirement which now obtains in the case of collectors of internal revenue [1] and postmasters.[2] These, contrary to popular impression, are the only local offices for which local residence is required by law. In all other local offices, it is tradition alone which demands that appointment be restricted to local residents. This tradition, of course, is closely bound up with the system of political appointment to these offices, and no doubt will readily be broken down, so far as administrative needs make it desirable, once selection by merit, and more particularly promotion from within the service, has established itself.

The legislative program here urged was first brought before Congress officially by President Taft. In a message to Congress in 1910 he urged that all local officers be placed upon a merit basis, through the abolition of the four-year term,

[1] Revised Statutes, Sec. 3142.
[2] Revised Statutes, Sec. 3831.

where it exists, and of senatorial confirmation; and this recommendation he reiterated in his messages of 1911 and 1912. In line with these recommendations bills were at the time introduced into Congress, but neither the messages nor the bills received much attention; and during the administration of President Wilson the whole question may be said to have dropped from sight, except as regards the presidential postmasterships. Bills providing for the abolition of senatorial consent for these latter positions were introduced in Congress in 1916, and in 1917 a provision to this effect, embodied in the legislative, executive, and judicial appropriation bill passed the Senate but failed in conference.[1]

The only recent official mention of the general matter aside from the annually repeated recommendations of the Civil Service Commission appears in the report made in 1918 by the Tariff Commission to the Committee on Ways and Means on the revision of the laws governing the administration of the customs. In this report the Commission urges that collectors of customs be placed under the provisions of the civil service law through the substitution of appointment by the Secretary of the Treasury for appointment by the President with the confirmation by the Senate.[2]

Movement for Placing Postal Service on Merit Basis.— The action of President Wilson in placing presidential postmasterships, except as to vacancies occurring by expiration of the statutory term, upon a competitive merit basis marks the most important step in a development which has been proceeding steadily since the enactment of the Civil Service law in the direction of lifting the postal service out of politics. As will be recalled the civil service act itself provided (Section 6, *Second*) that the Postmaster-General should "arrange in classes the several clerks and persons employed, or in the public service, at each post office, or under any postmaster of the United States, where the whole number of said clerks and

[1] See *Good Government*, vol. 34, p. 21.

[2] Curiously enough, the Commission at the same time recommends, not the abolition of the four-year term but its extension to six years.

persons shall together amount to as many as fifty. And thereafter, from time to time, on the direction of the President, it shall be the duty of the Postmaster-General to arrange in like classes the clerks and persons so employed in the Postal Service in connection with any other post office." Pursuant to this authority, the subordinate personnel of all offices of the first and second class were for the most part soon brought within the classified competitive service.[1] The employees of offices not having free delivery, and one assistant postmaster (or chief assistant to the postmaster of whatever designation) at each office still remained, however, in the excepted class. By order of President Taft, on September 30, 1910, these exceptions were abolished and the competitive basis extended to virtually the whole of the personnel of the postal service, other than postmasters to which it is practicable to apply competitive methods.[2]

It is worthy of note that even before the inclusion of the position of assistant postmaster in the competitive service the exigencies of the business at many of the larger stations had resulted in the promotion of competitive employees to that position. Of the 1,504 offices whose personnel was in the competitive service at the time the order placing assistant postmasters in that service went into effect, 348 had assistant postmasters who had thus been promoted from the competitive service. It is also worthy of note that despite this plain demonstration of the impracticability of the political appointment of assistant postmasters in the larger offices, not to speak of its impropriety for any office, an attempt was made in Congress a few years later to override the President's order and to except assistant postmasters from classification by statute.[3]

Meanwhile, in 1908, a beginning had been made in the extension of competitive selection to the postmasters themselves.

[1] The subordinate personnel of the third and fourth class offices (the annual receipts of which do not exceed $8,000) and on star routes remained excepted, and owing to the part-time nature of their service they still remain so.

[2] The auditor of the post office at New York City is still in the excepted class, without apparent reason.

[3] See *Good Government*, vol. 31, p. 25.

The system of selection of thousands of postmasters had remained unaffected by the passage of the civil service act. The postmasters of the fourth class, that is those having total receipts of less than $1,900, and an annual salary of less than $1,000, were appointed by the Postmaster-General and they had from the beginning been "classified" in the excepted class, but those of the third, second, and first class, that is "presidential postmasters," were entirely outside the provisions of the law.

The evils of the political appointment of these tens of thousands of humble officers had repeatedly been pointed out by the Postmaster-General as well as by the civil service reformers. It was not, however, until 1908 that any action was taken. On November 30 of that year, President Roosevelt, by amendment of the civil service rules, transferred from the exempt to the competitive class all those fourth class postmasters—15,488 in number—in the 14 states north of the Ohio and east of the Mississippi rivers. After several years of experimentation by the Civil Service Commission and the Post Office Department in the methods of filling the vacancies in these positions as they arose, an order was issued by President Taft (on October 15, 1912) extending the classification to include all the states (but not Alaska, Hawaii, or Porto Rico). Under the plan of classification effected by these orders of President Roosevelt and President Taft, all incumbents serving on the dates of the orders, however, were treated as brought within the classified service without examination. To this method of "covering in" political appointees President Wilson appears to have taken exception, and on May 7, 1913, he amended the order of his predecessors so as to provide that no fourth class postmaster should be given a competitive classified status unless and until he had been appointed as a result of open competitive examination (or, in the case of the smallest offices, after selection and inspection by a representative of the Post Office Department); and he ordered that examinations or inspections accordingly be conducted for all offices where the then incumbent has not been so appointed. This order placed

upon the Civil Service Commission the responsibility of proceeding with examinations and inspections covering 17,318 offices, and upon the Post Office Department the responsibility for inspections at 17,936 offices.

With the precise methods used in the discharge of their responsibilities we are not here concerned; nor will it be of value here to enter into discussion of the propriety of the action of the Postmaster-General in submitting to the Congressman of the appropriate district the names of those certified by the Civil Service Commission, with a request for his opinion of the candidates "not as a member of any political party but solely as the representative of the community regardless of political affiliations." [1] The Civil Service Commission stated in its annual report for the fiscal year 1916 after virtually all of the work of appointment under the new regulations had been completed, that it was "satisfied that the great majority of the appointments were made in the interest of the service," and the available evidence seems to justify this statement. For the present purpose, however, all this is of secondary importance. What is important is that the order of 1913 and the examinations and inspections of 1913-6 extended to every fourth class postmaster in the United States, the security of tenure contemplated by the civil service law, and fourth class postmasterships passed definitely and permanently out of the class of political appointments.

The failure of the efforts of President Taft to secure the "classification" of presidential postmasters (as well as of other presidential local officers) and the failure of subsequent attempts in Congress have already been mentioned. Even as late as February, 1917, it doubtless would have been said by most that success in this direction was still some distance off. On March 31, 1917, however, President Wilson issued an executive order providing that all vacancies in first, second, or third class postmasterships thereafter occurring by death, resigna-

[1] A full official account of the methods of examination and inspection of employees, and of the action of the Postmaster General referred to, will be found in the Thirty-third Report of the United States Civil Service Commission, pp. xi-xx, xxv-xxvi.

tion, or removal, should be filled by open competitive examination, the person rated highest to be appointed "unless it is established that the character or residence of such applicant disqualifies him for appointment." The order also provided that the same procedure may be followed where no vacancy exists but there is a "recommendation of the First Assistant Postmaster-General, approved by the Postmaster-General, to the effect that the efficiency or needs of the service requires that a change should be made." The actual procedure provided is that the Civil Service Commission shall hold the examination, and "certify the result thereof to the Postmaster-General who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for appointment." After receiving the name submitted by the Postmaster-General the President, of course, if he chooses, may reject it, and submit the name of one lower on the list, or indeed, of anyone he chooses, to the Senate; but such action, of course, would be justified only on the strongest and most unusual grounds, and has not yet ensued in any single case. Nor has the Senate in any case yet declined to confirm the nomination of a postmaster selected under this procedure.

The order, it will be noted, has no application to vacancies arising through the expiration of the four-year terms of postmasters. No official explanation of the reasons for this major exception has ever been issued. The Postmaster-General has stated several times that the policy of the administration is to reappoint, at the expiration of their four-year terms, those postmasters whose efficiency warrants it. Where a reappointment is thus made, of course, no examination is called for. It is difficult to understand, however, why the principle of the order should not be applied to those numerous instances in which, upon the expiration of a four-year term, the incumbent is not reappointed. In such a case the vacancy is under present practice filled by a political appointment precisely as before the issuance of President Wilson's order. The data regarding the appointment of postmasters contained in the annual

report of the Post Office Department are unfortunately not sufficiently full to disclose the relative proportions of appointments with and without examinations, and of reappointments and original appointments. But whatever the figures, it does not seem open to question that the original order ought to be amended so as to apply to vacancies arising by expiration of the four-year term where the incumbent is not reappointed. Were this amendment made, the pressure upon the President to replace an efficient postmaster, upon the expiration of his four-year term, by a political appointee—a pressure the force of which was signally illustrated in connection with the New York postmastership but a few months before President Wilson issued his order—would completely disappear. Such an order in effect would completely remove the postmasterships from politics, except to the extent that political pressure might be brought by a present incumbent to secure his reappointment instead of the throwing open of the post to open competition.

President Wilson's order was issued on March 31, 1917, but it was naturally some months before the methods to be followed by the Civil Service Commission in conducting the novel type of examination involved were settled upon and applied. Up to June 30, 1919, the order, therefore, had been in practical operation something less than two years. The situation with respect to the presidential postmasters is thus that they have been removed from politics in large measure. However, not only are a great proportion, if not the majority of them still political appointees, but there is nothing in the system thus far set up which insures that this proportion will diminish, or in fact will not increase; for those who have been appointed upon examination, solely for merit, may at the expiration of their four-year terms be displaced by political appointees. The current system is thus at best an unstable and precarious one, and needs to be reënforced by changes in the executive order now in force, along the lines above suggested. As has been pointed out with respect to local officers generally, a permanently satisfactory system, of course, can come only through legislation definitely abrogating the four-year term, and plac-

ing postmasterships squarely in the competitive class under the civil service law and rules.[1]

Chief National Bank Examiners.—A group of local chief officers who, though not presidential appointees, are in the excepted class, are: the chief national bank examiners, of whom there are 12, one in each of the Federal Reserve cities; the subordinate bank examiners, of whom there are at the present time 129. These are also in the excepted class, and both groups may conveniently be considered together. The practice of appointing these employees without examination had prevailed for many years after the enactment of the civil service law despite the absence of any specific exception in the rules, and by order of February 3, 1909, this practice was given legal status following an opinion rendered by the Attorney General holding that these positions must be filled by open competitive examination unless specifically excepted. The Executive Order making the exception, dated February 3, 1909, gives as the sole reason that "the present Comptroller of the Currency, as well as former occupants of that position, was of the opinion that owing to their confidential character it was impracticable to fill these positions as a result of open competitive examination." [2] And the Commission, in its report for

[1] On May 10, 1921, while the present work was in press, President Harding issued a new Executive Order regarding the appointment of first, second, and third class postmasters. It requires that examinations shall be held "when a vacancy exists or hereafter occurs . . . if such a vacancy is not filled by nomination of some person within the competitive classified civil service who has the required qualifications." The defect in the Executive Order of March 31, 1917, is thus cured. The new order, however, permits the Postmaster General to submit to the President "the name of any one of the highest three qualified eligibles for appointment unless it is established that the character or residence of any such applicant disqualify him for appointment." The order of March 31, 1917, required the Postmaster General to submit to the President the name of the one highest qualified eligible. The new order contains a proviso that at the expiration of the term of any person appointed to such a position through examination before the Civil Service Commission, the Postmaster General may in his discretion submit the name of such person to the President for renomination without further examination. It does not require the retention of the incumbent provided he has been efficient. The new order, with its provisions for the selection of one of the three highest and for new examinations on the expiration of the four-year term, still leaves open a wide possibility for political preference.

[2] Twenty-sixth Report of the United States Civil Service Commission, (1909), p. 113.

1910, stated that "the highly confidential character of their employment and the degree to which the personal element enters in determining fitness are the reasons advanced by the Department for treating these employees as in the excepted class." [1] It is difficult to understand why the Commission should have recommended this exception to the President. In point of fact, the Secretary of the Treasury himself, in the following year, was stated to be considering the competitive classification of bank examiners, though no action was taken.[2]

Field Services: Subordinate Personnel.—The subordinate personnel of the local offices and establishments in part are appointed by the head of the service and in part by the officer in charge of the local office or establishment. In the case of the large industrial establishments of the Government, arsenals, the navy yards, and the like, the methods followed in the employment of the forces of mechanical employees are similar to those followed in all large industrial establishments.

The subordinate personnel of the field service (other than postmasters) not in the competitive service are as follows:

Presidential Positions
Positions specifically exempted by statute:
  Deputy collectors of internal revenue
  Deputy marshals
  Employees of the Federal Farm Loan Board

Positions excepted by Civil Service rules:
  The numerous positions which have already been listed in detail in the preceding chapter.

Deputy Collectors of Internal Revenue and Deputy Marshals.—The case of the deputy collectors of internal revenue and the deputy marshals is of special interest as rep-

[1] *Idem*, p. 11.

[2] Report of the Council of the National Civil Service Reform League contained in the *Proceedings* of the League, 1910, p. 61.

The report further states that "the matter has been further taken up with the Comptroller of the Currency. Bank failures which disclosed inefficient investigations make such an extension seem desirable, and the fact that bank examiners of New York City, under the competitive system, have done most efficient work with the utmost despatch, makes it seem desirable."

resenting the only recent instance in which a large class of subordinate employees have been withdrawn from the operation of the civil service law and the system of competitive selection. The deputy collectors of internal revenue number some 1,500,[1] the bulk of them being paid from $1,000 to $1,500, with a maximum salary of $3,000. The deputy marshals are about 550 in number,[2] and their scale of salaries is slightly higher. The appointment of deputy collectors of internal revenue was first authorized in 1864;[3] that of deputy marshals in 1896.[4] Appointment is made by the collector and the marshal respectively, and in both cases the principal is made personally responsible for the acts of his deputy. Except for a brief period, from 1896 to 1899,[5] both classes of positions, because of the personal relation thus imported by the statutes, had been exempt from competition; but by the order of November 7, 1906, President Roosevelt placed the deputy collectors in the competitive class; and by the order of March 2, 1909, but two days before the expiration of his term, he took similar action with respect to the deputy marshals. By these orders the incumbents of the positions were "covered" into the competitive class. They, however, did not acquire thereby as secure a tenure as the ordinary competitive employee, for the statutes creating their positions made their terms dependent upon that of their several principals.[6] What would thus seem

[1] The number employed during the fiscal year 1918 was 1,283; for 1920 an increase to 1,837 was estimated. Book of Estimates, 1920, p. 61.

[2] 868 in 1918, Book of Estimates, 1920, p. 829.

[3] Act of June 30, 1864, Sec. 10; 13 Stat., 225. This act provided that deputy collectors should be compensated by the collector personally. By act of February 8, 1875, as amended by act of March 1, 1879 (20 Stat., 329), it was provided that their compensation should thereafter be paid by the government.

[4] Act of March 8, 1896 (Sec. 10), 29 Stat. 182.

[5] The general revision of the civil service rules, promulgated May 6, 1896, placed in the competitive class many positions which were later withdrawn from competition by the order of May 29, 1899.

[6] "A newly appointed collector of internal revenue has a legal right, upon taking office, to drop from the service any deputy collector in commission and to appoint deputies of his own selection in accordance with the rules of the Civil Service Commission." (Opinion Atty. Gen., Sept. 3, 1907, 26 Op. 363.)

A ruling similar to the above was made with reference to United States deputy marshal on November 30, 1910, by the Comptroller of the

to have been desired in the premises was the repeal by Congress of the special provisions responsible for this peculiar status of these officers. Instead, however, Congress, in 1913, by rider to the deficiency appropriation act, enacted "that hereafter any deputy collector of internal revenue or deputy marshal who may be required . . . to execute a bond . . . to secure faithful performance of official duty may be appointed" without regard to the civil service law.[1]

It is difficult to see wherein the duties of either of these classes of officers in any degree call for their exemption from the civil service act. The fact brought out in the act, that these officers are required to give a bond to their immediate superiors, far from furnishing a reason for their exemption from competitive selection, is what makes such selection the more practicable; for it renders of less importance the element of personal trust which is theoretically desirable because of the personal liability of the collector or marshal for the acts of his deputy.

Indicative of the almost universal acceptance which the merit principle has achieved is the fact that, upon the enactment of the legislation under discussion, official protestations were issued, on behalf of the administration, that no departure from the principles of merit was contemplated. The President in affixing his signature to the bill, issued a memor-

Treasury, who held that the term of a deputy marshal expires with that of the marshal who appointed him. If not reappointed, his successor must be chosen under civil service rules. (Decisions of the Comptroller, vol. 17, p. 362.)

[1] The text of the provision is as follows:

"That hereafter any deputy collector of internal revenue or deputy marshal who may be required by law or by authority or direction of the collector of internal revenue or the United States marshal to execute a bond to the collector of internal revenue or United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond without regard to the provisions of an act of Congress entitled 'An act to regulate and improve the civil service of the United States,' approved January sixteenth, eighteen hundred and eighty-three, and amendments thereto, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to the act, amendments, rules, or regulations aforesaid." (Act of October 22, 1913; 38 Stat., 208.)

andum in which, after resorting to the unexpected and very doubtful defense that "the offices of deputy collector and deputy marshal were never intended to be included under the ordinary provisions of the civil service law," he pointed out that "the control of the whole method and spirit of the administration of the proviso in this bill which concerns the appointment of these officers is no less entirely in my hands now than it was before the bill became law" [1] and gave assurance that there was "no danger that the spoils system will creep in with my approval or connivance." [2] The Commissioner of Internal Revenue instructed all collectors "that the object of this provision of law is efficiency and only efficiency, and that any tendency to use this class of appointments merely for personal reward, or for anything that savors of the spoils system, will be regarded as a very serious disregard of public duty"; and he ordered that changes in the personnel of the force of deputy collectors could be made only with his approval. Similar instructions were issued by the Attorney General with respect to deputy marshals.

The number of removals and new appointments that have been made under the authority granted by this proviso has not been published, nor are any data available indicating the extent to which the action taken has been "for efficiency and only efficiency." Whatever the facts may be, however, not a single valid reason has been advanced why these two classes of local employees should not be selected through public competition.[3]

[1] This statement is correct only in a very general sense. Before the enactment of this proviso, the appointment of deputy collectors and deputy marshals had been controlled by the civil service laws and it would have required express action of the President to remove it from competitive examination under the supervision of the Civil Service Commission—action which had never been taken. Under the present provision it would require positive action by the President to establish any form of control or even direction over the method of appointment. No such action has been taken, except that the instructions of the Commissioner of Internal Revenue and the Attorney General, referred to below, were probably issued at the direction of the President.

[2] Quoted in Thirty-first Report of the United States Civil Service Commission (1914), p. 138.

[3] An excellent discussion of this matter is contained in the letter from the Civil Service Commission to the President reproduced in the Twenty-seventh Report of the United States Civil Service Commission (1910), p. 145.

Field Employees: Federal Farm Loan Board.—The field employees of the Federal Farm Loan Board are excepted from the provisions of the civil service act by the law creating the Board, which excepts the entire personnel. That exception has already been characterized as indefensible, and nothing regarding the field forces offers any reason for modifying this characterization. Although this force, like the force at Washington, has been selected in fact with a due regard for merit, its exception is inconsistent with the principle of the civil service law and is particularly undesirable. Should an appointment to such positions as that of appraiser be made for political reasons, the appointee would be peculiarly subject to improper influence, a danger particularly to be guarded against in this service. The same is applicable to such of the local employees of the Bureau of War Risk Insurance as are appointed without competition under the special statutory exception of the technical employees of the bureau.

The remaining exceptions to the competitive principle in the classified field service fall chiefly in the class of skilled labor and in the special classes in which the service required is temporary, occasional, or of a part-time character; or in which the work is carried on in such unusual locations that competition would be impracticable or where the salary offered is so low that no competition would be likely to be secured.

The specific exceptions falling under this head have been reviewed already in the preceding chapter, and the position there taken, that these exceptions are in the main justifiable in the interests of good administration, though in a measurable proportion of the cases no inconvenience to the service would result, and the principle of formal selection would be better observed, were a system of provisional appointment subject to non-competitive examination or approval by the Civil Service Commission substituted for the unregulated methods of selection which now prevail.

Postal Employees: Star Routes and Third and Fourth Class Post Offices.—The only class of employees to which attention may here be called is that of postal employees on the

star routes or in third or fourth class post offices. This class of employees includes more persons than any other group in one of the most numerous classes of federal employees to be found anywhere in the service. Strictly speaking, however, they are not to be regarded as federal employees, since their salaries are fixed and paid, not by the Government, but by the postmasters of the several offices in which they are employed. From the standpoint of the federal personnel system they are of interest only to the extent that it is the duty and interest of the Government to see that these employees are provided with proper working conditions and are not unduly exploited by the postmasters for whom they work, requirements which it is difficult for the Government to meet. They are also of interest in view of the civil service rule which provides that when a post office is advanced to the second class the employees of that office acquire the status of competitive postal clerks, provided only that they satisfy the Postmaster-General of their ability.[1]

Laborers.—The appointment of laborers in the local offices and establishments, like the appointment of those who serve in Washington, has been made a subject of regulations by the President pursuant to the authority conferred upon him by the act of 1871. These regulations [2] do not apply to all laborers in the field but only to those in cities or to branches of the service designated by the Civil Service Commission. Up

[1] The rule provides (Rule II, sec. 7) that on the date of the effect of such order (for the advancement of an office from third class to second class or for the consolidation of any office with one of the first or second classes) these rules shall apply to positions, officers, and employees of the offices affected in the same manner as they apply to others now classified, and all appointments after an eligible register has been established shall be made by selection from the register; but no officer or employee in any post office shall be classified under the terms of the section who fails to establish to the satisfaction of the Postmaster General his capacity for efficient service in the position held; and if he has been appointed to such office within less than 60 days prior to the application of these rules, he shall not be classified without the express consent of the Commission." It may be noted that in this rule the term "classified" is used in the narrow and incorrect sense of "classified competitive." Incidentally, this incorrect use of the term occurs in the very rule in which the definition of "classified" is laid down.

[2] Promulgated July 3, 1909, and amended. They are to be found in the annual report of the Civil Service Commission.

to June 30, 1915, the regulations had been extended by the Civil Service Commission to some forty cities and to all unskilled labor positions in the assistant custodian and janitor service under the Treasury Department, that is in the public buildings. It is particularly desirable that these regulations should be put into force over the remainder of the field service as rapidly as possible. Minor as are the positions involved they have always been a fruitful field for the spoilsman. It must be admitted, however, that owing to the undesirable character and very low remuneration of these positions in the federal service the competition for them, even where competitive methods are applied, is so slight as to have virtually no effect. The effort of the spoilsman in this field is not so much to have a particular individual appointed as it is to have a position created or to have an unnecessary one retained so that the object of his solicitude may be taken care of. This sort of political influence is beyond the reach of personnel methods. It is the province of the financial and not of the personnel administration to prevent the creation or retention of unnecessary posts.

Foreign Service.—The foreign service of the government falls into two main divisions, the diplomatic and the consular. In the diplomatic service, the "ambassadors and other public ministers (including doubtless commissioners, chargés d'affaires, and agents), are required by the Constitution to be appointed by the President by and with the advice and consent of the Senate. The statutes also require that appointments of secretaries of embassy and legation, and of secretaries, be made by the President and Senate;[1] and, as already stated, a system of non-competitive selection has been set up for these positions by executive order. Clerks, interpreters, and student interpreters at the embassies and legations are appointed by the Secretary of State. These employees are, therefore, within the scope of the civil service law; but a provision of the rules covering "any person employed in a foreign country under

[1] Revised Statutes, Sec. 1684.

the State Department" [1] excepts them from regular civil service examination. Except in so far as a non-competitive examination is conducted by the State Department, the clerks for foreign service are selected without examination.

In the consular service, a similar condition obtains. "Consuls" (which term includes "consular agents") must also under the Constitution be appointed by the President and Senate; while the clerical employees of the several consulates are excepted from examination under the provision of the civil service rules just quoted. The non-competitive examination system of the State Department, however, is applied to both. In the whole field of the foreign service, therefore, it is virtually only the highest positions, that of ambassador or minister—or, as it is sometimes called, chief of mission—that is not embraced in the system of formal non-competitive selection administered by the Department of State.

All the posts of ambassadors and ministers—are, as is well known, political. The executive order of 1909, setting up a formal system of selection for diplomatic secretaries, provides that the Secretary of State shall recommend to the President secretaries of embassy or of legation who are capable of being promoted to the post of chief of mission. If such recommendations have been made on the occurrence of vacancies in posts of chief of mission, they have been disregarded by the President in virtually all cases; for the order has had little or no effect whatever in ameliorating the purely political selection for those posts except possibly some of the minor ones.

That the entrance of political considerations in the selection for these posts is improper, that it results in an inferior type of diplomatic service, and that in no other great nation is the principle of purely political appointment to posts of this character in force are all well worn truisms which have been put before the public repeatedly in recent years. It is difficult to find a specific remedy for this situation owing to the difficulty of devising any formal or rigid system of selection. A

[1] Schedule A, I, 7.

committee of the National Civil Service Reform League, which recently made a study of this entire subject, came to the conclusion that the next step should be merely "that the President be urged to fill the post of minister by the promotion of capable officers in the foreign service and that when a vacancy occurs the Secretary of State be required to submit to the President for his consideration the names of secretaries and consuls who merit promotion," and "that the President be urged in as far as practicable to promote ministers to embassies when vacant." [1] It must be admitted that while this recommendation is doubtless all that is practicable under the circumstances (for any legislation looking to the taking of these officers out of the presidential class or limiting the presidential power of removal is clearly barred by the Constitution) it furnishes no very concrete material on which to work.[2]

It may be questioned whether there is not a tendency on the part of some of the advocates of the merit principle to over-emphasize the value as applied to the diplomatic service of that principle of selection from within the service which is admittedly and perhaps unquestionably sound as applied to most branches of the federal service. While every chief of mission, of course, should be possessed of a generous intellectual equipment in the field of history and politics and international affairs, and while a knowledge of the more technical aspects of international law and etiquette are obviously an asset of the highest value for the purpose, it by no means follows that the best diplomatic representative can always be found in the ranks of the permanent diplomatic service. Diplomacy in its more difficult and important aspects is, after all, a political rather than a technical matter, and it may well be that on occasions the country's interests would be poorly served were the

[1] Report on the Foreign Service, p. 19.

[2] It is significant that an earlier declaration of the National Civil Service Reform League advocated the invariable selection of ambassadors and ministers from the permanent personnel of the lower ranks. See *Good Government*, 1918, p. 119; apparently the committee on the foreign service regarded this recommendation as impracticable.

President to restrict his choice too rigorously to the membership of the permanent diplomatic corps. It is notable that some of the foreign nations in which the tradition of a permanent diplomatic personnel has long been well established have broken away from the tradition from time to time, and especially in recent years, and appointed to their most important missions men without previous diplomatic experience, but of tested political wisdom. Moreover, the long life of the tradition of a permanent diplomatic corps in those countries has had the effect of bringing into the service at an early age men of a type who are not likely to be attracted into our diplomatic service until the tradition of selection of these men on a merit basis from within the service has long been well established. So for many years to come it is probable that less promising material, on the average, will be available for promotion to the highest missions in our service, than in the French or British, for example. All this is not to say, of course, that it is proper under any circumstances that diplomatic missions should be awarded to "deserving Democrats" or for the purpose of enabling politicians with social aspirations to bask in the atmosphere of foreign courts; it is intended merely to emphasize that the extreme application of the principle of selection from within the service, so frequently urged by civil service reformers, here needs to be accepted with great caution.

Conclusion.—If all administrative officers and all subordinate personnel originally were selected on a wholly non-political merit basis, by means of formalized methods, and were an effective prohibition placed on the intervention of politicians outside the service in any manner whatsoever in personnel matters, it is altogether likely that no further measures would need to be taken to exclude politics from the administration of the federal personnel system. The administrator, himself wholly non-political and subject to no outside influence, might safely be entrusted with as full a measure of discretion in personnel matters as is accorded the manager in private enterprises. This does not mean that discretion would be absolute. Even in private enter-

prises of the larger kind it is found necessary to establish rules and procedures to insure that not merely in general but in every individual case the employee shall receive the full measure of justice and consideration, and that all shall be treated alike; and, obviously, restrictions of this kind will always be equally necessary in public personnel systems. But further restriction, aimed specifically at the abuse of discretion for political purposes, will be unnecessary.

In the present situation, however, with the majority of chief officers still selected and removed on political grounds, with political appointment and removal still obtaining over a not inconsiderable area of the subordinate personnel, and with virtually no progress made in prohibiting the interference of politicians outside the service with the action of the administrator in personnel matters, the need for additional protection against political influence is felt at a number of points. The precise nature and extent of the restrictions and procedures designed to afford such protection, however, may be considered profitably only in conjunction with the detailed consideration of the several phases of personnel administration in the second part of this volume. The personnel practices of the government are, and under existing conditions should be, a compound of, and not infrequently a compromise between, the dictates of personnel administration proper, and of the need for protection against political interference. Hence, as applied to specific procedures and regulations, the latter can be usefully described only in conjunction with the former. In the second part of this volume, devoted though it is to personnel administration proper, it will be necessary frequently to consider what procedures or regulations should be adopted under the basic relations between the federal personnel system and the political world now prevailing, to prevent the intrusion of political influence at this point and that.

CHAPTER V

THE ELIMINATION OF POLITICAL INTERFERENCE INSIDE THE SERVICE

In the foregoing chapter the complete elimination of politics in selection, and particularly in the selection of the directing personnel, with the exception of the heads of executive departments, was declared to be the *sine qua non* of the establishment of a proper personnel system. But even were the entire personnel selected solely on a basis of merit, or at least through the application of formal systems of recruitment, guard would still have to be kept against the intrusion of political influence at various points in the personnel system. To devise a formal system of recruitment which will absolutely exclude the need for the exercise of any discretion whatever by the administrative officer is difficult, and with respect to some classes of positions virtually impossible. In matters affecting the employee after selection, such as assignment, promotion, demotion, increase or reduction of salary, removal, and retirement, it is, from the standpoint of sound administration, still more difficult and, in addition, very unwise to attempt to limit severely the discretion of the administrative officer. At all these points he must be allowed some discretion; and at all these points there is danger, even though the administrative officer be a non-political, permanent officer and the employee himself appointed wholly without political influence, that the employee affected may seek to enlist political influence on his behalf.

Since this would be true, even if all of personnel, from lowest to highest, were chosen by formal methods of a more or less competitive character, it need not be said that in the federal service, where, as just seen, the greater part of the directing personnel and no small part of the subordinate per-

sonnel is still selected wholly without formal methods or competition and chiefly on political grounds, the need for rigidly excluding politicians outside the service from influencing administrative action in personnel matters is a most vital one.

The Congressman and Political Interference.—Political influence in respect to personnel matters is usually brought to bear on federal administrative officers in behalf of an employee or prospective employee through "his" Representative, but sometimes through "his" Senator. In the case of local offices an unofficial politician may be the medium, but even here the Representative or Senator is usually brought into action. In some cases the person thus invoking the good offices of his representative is an active political worker, but the rigor and the increasingly effective enforcement of the civil service rules prohibiting undue political activity by classified employees [1] make it improbable that one who is already an employee is anything more than a friend or relative of an active political worker. In perhaps as many cases as not, moreover, the person seeking congressional intervention is merely a constituent of the Congressman with no special claim to consideration whatever. It is one of the peculiarities of the congressional temperament to be unable to refuse a request for intervention on behalf of a constituent [2] even though the

[1] These rules are discussed in the following chapter.

[2] While referring primarily to a matter of economy rather than of personnel administration proper, the following colloquy in the Senate on December 4, 1919, is illustrative of the readiness with which members of Congress lend themselves to intervention in personnel matters:

Mr. THOMAS. "I think there is another reason which prevents the reduction of the civil service force, and that is Congress, or, rather, the individual Members of the two Houses. The Senator will correct me if I am wrong, because he knows, but I was informed that a reduction was made, or proposed to be made, in one of the departments some time ago."

Mr. SMOOT. "In the War Department."

Mr. THOMAS. "A reduction of 500 employees, and within 24 hours 169 protests personal and by letter, were lodged by Members of both Houses of Congress against the reduction, as affecting certain of their constituents, with the result that the movement was aborted and paralyzed, and then abandoned. Is that correct?"

Mr. SMOOT. "The Senator is correct. There were 169 protests within 24 hours."

Mr. THOMAS. "One can imagine the number of protests that would have been made if the reduction had been 5,000 instead of 500." (*Congressional Record,* December 4, 1919, p. 114.)

Representative may be morally certain in advance that such intervention will avail his constituent nothing, as is indeed often the case. Hence administrative officers are continually pestered with merely perfunctory recommendations and requests from Congressmen with reference to proposed appointments, assignments, promotions, salary increases and reductions, removals, and indeed all other matters of personnel affecting the fortunes of individuals. A courteous acknowledgment or promise of consideration by the administrative officer usually satisfies the etiquette of the case. To this extent, congressional intervention is more serious as an annoyance than as a factor in actually influencing personnel administration.

Where, however, a Representative or Senator chooses for whatever reason to take a real interest in the fortunes of a particular employee, and to make real exertions on his behalf, he is generally able to bring influences to bear which only a very courageous and very well intrenched administrative officer can resist. Particularly is this so if the Representative or Senator in question is a member of the appropriations committee which passes on any part of the appropriations for the service with which that officer is connected, or indeed for any branch of the executive department in which that service falls; or if, though not himself a member of the committee, the Representative or Senator possesses, through political or log-rolling connections, a measure of influence with that committee. Every head of a service, or of any distinct branch of a service for which Congress appropriates separately, lives ever in the fear of the pruning knife, or even the ax, of the appropriations committees. Those branches of the service whose functions are well established by tradition, or whose continuous operation on an adequate scale is indispensable, of course, stand in less danger of drastic reductions in appropriation than do

A former important officer at Washington has told the writer of an instance in which the entire congressional delegation from a certain state, two Senators and three Congressmen, had visited his office in a body to intercede on behalf of a native son who had been dismissed for habitual drunkenness and neglect of duty.

those whose functions are novel or of more doubtful necessity. But even where no reduction in appropriations is to be feared, the head of a department is ever seeking their enlargement and must think long before denying the request of a Representative or Senator on whose vote in committee, or on whose intervention with the committee, may some day depend the fate of an important requested increase in appropriation. There can be no doubt that the effective interference of the individual Representative or Senator in personnel matters derives largely from the detailed control of Congress over appropriations, as exercised by its several committees.

A measure of relief from this condition is likely to be found from the development toward a more ordered procedure and a more concentrated authority for the formulation and adoption of the federal appropriation measures. This will almost inevitably reduce the possibility of the use of the appropriating power to strike at an administrative officer who has incurred congressional displeasure.

Another factor which has been of much importance in perpetuating the tradition of interference by politicians, and more especially by members of Congress, in personnel matters, has been the failure of Congress, and perhaps even more specifically of the President and the Civil Service Commission, to develop the necessary machinery for the routine performance of some of the elementary processes of personnel administration. In a subsequent chapter, attention will be called to the complete failure to develop, for example, any machinery for facilitating the transfer of employees between the departments, even when such transfers are obviously demanded by the needs of the service, and indeed the failure of the departments themselves to develop similar machinery with respect to transfer among the several services of the same department. The natural result of this failure has been that the employee seeking a transfer and having open to him no regular and formal method of obtaining it, often resorts to his Representative or Senator for assistance. In fact, if a newer employee in Washington seeking information should ask an older one

how transfers were effected, he would probably be told that ordinarily the Representative or Senator helps the employee in bringing himself to the attention of the office to which he wishes to be transferred. Similar instances could be cited at other points in the system. The establishment of adequate methods and machinery under all these heads would do much to weaken the tradition of political intervention.

Direct Prohibition of Outside Intervention in Personnel Matters.—There is, however, a more direct way of attacking the evil, not only as respects Congressmen but any other individual outside the service, namely, the method of directly prohibiting any person from interceding with administrative officers in any personnel matter whatsoever.

So obvious is the need for a direct prohibition of this sort that an attempt to secure it would seem to be one of the elementary planks in any program of civil service reform. Yet in virtually none of the laws which have been enacted in the various jurisdictions is any such attempt made. In the federal service the only provision of law under this head is that found in the civil service act (Section 10) which prohibits any person concerned in giving any examination or making appointment under the act from "receiving or considering" any recommendation of any person which may be given by any Senator or any member of the House "except as to character or residence of the applicant."

Aside from this obviously unenforceable provision no legislation looking to a prohibition of political interference with the administration of personnel matters has been enacted, or, so far as known, ever been introduced in Congress, and the civil service rules contain only one provision aimed in this direction.[1] This is the provision occurring in the rule bear-

[1] During the period 1902-1912 there were in effect various Executive Orders prohibiting employees from soliciting the aid of Congressmen (or Congressional committees of Congress) on their behalf. While they applied in terms to the attempt of an individual employee to solicit intervention on his personal behalf, they were essentially directed against attempts of groups of organizations of employees to influence legislation; and their effect as respects traffic between individual employees and Congressmen, while substantial, was not of major importance.

ing on promotion, which prohibits any officer concerned in making promotions from considering any recommendation for the promotion of a classified employee unless it be made by the person under whose supervision the employee has served (Rule II, Paragraph 3). This regulation, it will be noted, does not prohibit the making of such a recommendation except to the extent that it provides that such recommendation is made "with the knowledge and consent of the employee" which "shall be sufficient cause for removing him from the service."

The futile character of the existing law and regulations, which in no wise penalize the person making the recommendations, which authorize no penalty upon the employee (unless, in the case of the regulation, the recommendation is made with his "knowledge and consent," an element which could well be assumed in every case and which even then does not require the penalizing of the employee, but merely authorizes such penalty) need not be enlarged upon. It is hardly necessary to add that these provisions are wholly without effect upon the current situation.

What is needed is an express prohibition aimed not merely at the employee but at the person making the recommendation or interceding in any way for an employee. The situation calls for a thoroughgoing measure. Legislation making it a penal offense for any one [1] to make any recommendation to an administrative officer in behalf of any individual employee would largely go beyond the needs of the case.

It will be argued, of course, that it would be improper to prohibit a Congressman from giving his opinion to an administrative officer as a private citizen; and indeed the Postmaster General in recent years stated that in submitting to the Representative of the district the names of the three highest eligibles for fourth class postmaster and for rural carrier, he called upon the member "not in his capacity as a member of any

[1] Exception should be made, of course, of former employers or teachers of applicants for appointment, when recommendation is requested by the administration officer.

political party but solely as the representative of the community regardless of political affiliations." [1] Aside from the question whether it is morally or intellectually possible for the average member of Congress to act wholly as a private citizen, "regardless of political affiliations," nothing is clearer than that in the overwhelming majority of cases Congressmen, if they act at all, act, and must continue to act in these matters, as politicians; that is to say, in the ordinary case they must put the wishes of the constituent above the interest of the service. It has been thought perfectly proper for the President to promulgate rules prohibiting the active participation of classified civil service employees in politics, even though such activity might be carried on wholly in the character of a private citizen and might have no relation whatever to the duties of the employee. In precisely the same way, there should be no objection to prohibiting the political officers of the government from participating in any way whatsoever in administrative affairs.

Although the precise method here proposed may be somewhat more radical than would be generally favored, most Congressmen, undoubtedly most of the better sort, would themselves strongly favor some measure of relief from the wearisome and time-consuming pressure of constituents in personnel matters—something which would enable them to escape the importunities of the constituents by pleading some statutory or other overpowering disability.

Complementary to such a statutory provision there should be one penalizing the individual, whether an employee or merely an applicant, who solicits such intervention in his behalf. Whether or not such a statute be enacted, the civil service rules themselves ought to be amended immediately so as to direct summary removal of any employee, and the debarment from appointment of any applicant, on whose behalf intervention is made unless the employee can show positively that the intervention was unsought, and to require administrative officers

[1] Statement of Postmaster General, November 17, 1917, quoted in the Thirty-third Report of the United States Civil Service Commission (1916), p. xvi.

to report all cases of intervention directly to the Civil Service Commission.

Location of Legal Power in Personnel Matters.—A factor of no small importance in determining the extent of political influence in personnel matters is found in the legal provisions governing the location of the power of appointment and, inferentially, of the powers of promotion, demotion, salary increase, and assignment and removal. As already seen, the Constitution itself requires that "officers" may be appointed only by the President (with or without the consent of the Senate), by the courts of law (which may be neglected for practical purposes) and by the heads of departments. As to "employees and agents," it is the general rule that such persons, unless the statute providing for their employment otherwise directs, shall be appointed by the heads of departments.[1] With respect to some of the field employees, including even some who might be regarded as "officers" (for example, deputy marshals, deputy collectors of internal revenue, etc.), the statute has provided that appointment shall be by the local chief officer, but again certain field employees are by law to be appointed by the head of the bureau in Washington.

The net effect of the scheme of distribution of the appointing power just outlined may be illustrated by applying it to a single typical service as, for example, the Internal Revenue Service, which is a bureau of the Treasury. The Commissioner of Internal Revenue is appointed by the President with the advice and consent of the Senate. His subordinates at Washington from highest to lowest are appointed by the Secretary of the Treasury. Passing to the field establishments of the service, the collector in charge of each collection district is appointed by the President with the consent of the Senate; while the subordinate personnel, the deputy collectors,

[1] "Each head of department is authorized to employ in his department such number of clerks of the several classes recognized by law and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees . . . as may be appropriated for by Congress from year to year." (Act of April 22, 1854, incorporated in Revised Statutes, Section 169.)

clerks, etc., are appointed in part by the commissioner at Washington, and in part by the collector.

With respect to the great mass of the subordinate personnel, the appointing power of the head of the department is, of course, a pure formality, exercised almost invariably perfunctorily upon the recommendation of the head of the bureau, yet the legal requirement of this formality has the result of vesting in the departmental offices a control over personnel matters which not infrequently falls in large measure into the hands of one of the political subordinates who stands close to the Secretary.[1] A door is thus left open for the entrance of political pressure in a quarter which is more susceptible to political pressure than is the non-political head of a bureau, and which at least is as likely to encourage as to discourage any tendency on the part of a political bureau head to yield to such pressure. That this result ensues, not merely with respect to appointment but perhaps still more with respect to promotions, salary increases, reductions, and removals, all of which must, by analogy, receive the approval of the Secretary, is hardly open to doubt. In the interests not merely of administrative simplicity and decentralization, but of reënforcing the merit principle, it is desirable that, in every case in which appointment by the head of the department (and the power over other personnel matters which usually go with appointment) is not required by the Constitution, it should be vested in the bureau chief.

Consistency would seem to demand that the appointment of all subordinate personnel in the local offices should be vested in the hands of the chief of those local offices. Two considerations, however, must be kept in mind in this connection.

[1] Even when personnel matters of the department are handled on behalf of the Secretary by a non-political officer, the system favors the entrance of political considerations in so far as that officer is further removed from responsibility for the efficiency of the several services than are the heads of those services. While there may be advantages, from the standpoint of record systems, of concentrating all personnel records in a single office in each department (a point which will subsequently receive attention) it by no means follows that any portion of the actual power should be vested in any hands other than those of the head of the service.

In the first place, almost all the chiefs of local offices are at the present time purely political appointees of a type peculiarly subject to improper partizan and personal influences. For this reason it may be best at present not to allow them to exercise, uncontrolled by Washington, the power of appointment of their local subordinates. Another factor is that in not a few of the services the local personnel is regarded as eligible for transfer from one locality to another and this is a practice which on all accounts should be encouraged and strengthened. Where this is the case the local personnel is to that extent not merely local but a part of the personnel of the entire service and the discretion of the local officer in the control of this personnel, therefore, may properly be subject to central review. In the light of these considerations, the present practice in retaining the appointment of certain classes of local employees in the hands of the head of the service at Washington, though the initial selection remains with the local officer, seems well advised.

Politics and Salary Increases.—One field of personnel administration in which political, and particularly congressional, influence has traditionally and notoriously been active is that of salary increases within grade, that is, a mere increase of salary not involving a change of duties. There are two reasons why this has been a favorite point of attack for those with "influence." The first is that, unlike an appointment, or promotion (that is, a change to higher duties), or transfer, which can ordinarily be agitated only when a vacancy exists, the time has always been seasonable for an increase in salary. Again, in making an appointment, promotion, or transfer, an administrative officer, particularly if the position involves supervisory functions, must have some regard to the capacity for the position of the individual on whose behalf intervention is made. In the case of salary increases no such consideration need enter. The only administrative considerations which must be heeded are the conservation of appropriations and of the morale of the working force.

In both these respects, the federal personnel system has

been fundamentally defective, and still remains so, though the work of the Reclassification Commission, discussed in a subsequent chapter,[1] gives ground for hope that a change is to come. In a well ordered personnel system, there are only certain dates when the question of salary increases can be considered; and at that time the claims of all must be considered on an equal basis. Moreover, in a well ordered system, there are definite and fairly narrow limits above which the salary paid for any given class of work may not be raised; and such limits are not only defined but enforced by a central independent authority. It is the absence of such a central definition and enforcement of compensation standards (and the failure, in most cases of departmental officers themselves to apply such standards) that has made it possible for variations of as much as 100 per cent in the compensation paid for the same class of work. Where it is possible for an administrative officer to pay one $2,000 for the same class and grade of service as is being rendered by another for $1,000, it is obvious that an employee who has "influence" has a most powerful incentive to employ it as actively as possible. The fixation and enforcement of compensation standards, and of procedure for determining on an impartial basis the award of periodic increases within the range permitted—matters discussed from the administrative standpoint in subsequent chapters [2]—will end one of the most fertile and pernicious sources of political intervention in the field of personnel.

Political Pressure upon Employees by Superior Officers. —Another manner in which political considerations may interfere injuriously in personnel matters is that of the coercion of employees by superior officers to render political service in the form of making contributions to the party's campaign chest or the rendition of party aid in other ways. Such coercion can be exerted through the withholding of a deserved promotion, salary increase, or favorable assignment in the case of recalcitrancy, or at the worst through a dropping from the rolls.

[1] See Chapter VII.
[2] See Chapter IX and Chapter XV.

Prohibition of Forced Campaign Contributions.—The dangers inherent in this situation were early recognized. At the outset attention was chiefly directed toward the prevention of forced contributions for political purposes. As is well known, prior to the enactment of legislation on the subject, all federal employees were regularly levied upon by the party in power at every election period. Failure to contribute meant, at best, denial of all deserved promotion or salary increase, and, at worst, reduction or removal.

The first legislation against political contributions in the civil service was the act of August 15, 1876, which provided that:

> All executive officers or employees of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employee of the Government, any money or property or other thing of value for political purposes; and any such officer or employee, who shall offend against the provisions of this section shall be at once discharged from the service of the United States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding $500.

It does not appear that this enactment had any particular effect. It will be noted that it did not penalize the action of a presidential appointee who might request or demand contributions from his subordinates but only penalized the action of a subordinate in acceding to such a demand. The slight penalty imposed by the act was hardly calculated to break up a practice so deeply rooted and extensive, nor were the district attorneys, themselves political officers, likely to exert themselves unduly to enforce these provisions.

Not until the enactment of the civil service act in 1883 was an effective statutory prohibition secured. The last five of the 15 sections of the act are devoted wholly to the matter of political contributions, and remain to this day the whole of the federal law on this subject. Of these sections, the most

material for the present purpose are Sections 11 and 14. Taken together their effect is to prohibit any officer of the United States, legislative, executive, or judicial (except the President) "from soliciting or receiving a contribution from or giving a contribution to any other officer or employee of the United States for any political purpose." Violation of this prohibition is made punishable by a fine not exceeding $5,000 or by imprisonment for a term not exceeding three years. This provision is further enforced, at least morally (for from a practical standpoint the reënforcement is very slight), by the provision (Section 13) "that no officer or employee of the United States mentioned in this act shall discharge or promote or degrade or in any manner change the official rank or compensation of any other officer or employee, nor promise or threaten so to do for giving or withholding or neglecting to make any contribution of money or any other valuable thing for any political purpose."

From the standpoint of immediate and effective enforcement, the penal sanction which Congress attached to these prohibitions would doubtless have remained relatively ineffective had it not created at the same time the Civil Service Commission. The act provided that the Commission might "make investigation . . . concerning . . . the action of those in the public service in respect to the execution of this act." (Section 2, 4.) The Commission was thus given authority to investigate all cases of political contributions levied or given in violation of the act, and has displayed from the beginning great persistence and energy in running down any cases of this character brought to its attention.

The activities of the Commission brought a considerable, indeed a tremendous, improvement in the situation within a very few years after the enactment of the law. Never since that time have political assessments been levied in the federal service on anything like the scale which prevailed previously. The history has not been one of continuous progress, however. Occasionally with changes of administration or of

local chief officers conditions have gone backward in one branch or another of the service. On the whole, however, progress has been consistent. It would probably be too much to say that political assessments have been completely and permanently driven out of the federal service; but even where they may persist or occasionally be revived they are no longer an important factor affecting the dismissal, promotion, etc., of any large body of employees.[1]

It is impossible to examine the abstracts of the Commission's investigations of cases of violation of the statutes against political assessments, which are a regular feature of the Commission's annual reports, without being driven strongly to the conclusion that this statute has hardly ever received from district attorneys, or even from the Attorney General, that vigorous and impartial enforcement which is traditionally awarded to all federal statutes. Case after case is to be found in the Commission's records in which a clear and deliberate violation of the statute appears to have been made out, but which, if taken up at all by the Department of Justice, was so feebly handled that either no indictment was secured or an acquittal resulted. The obvious explanation is that the district attorney is generally a member of the same political party as the officer whose prosecution is sought. In view of the record it is at least worth considering whether the Civil Service Commission should not be vested with independent powers of presentation and prosecution on cases of this kind, such power to be exercised by it whenever, in its

[1] The effect of the statute was greatly strengthened by the decision handed down in 1913 by the United States Court for the Western District of Pennsylvania in the case of the United States *v.* Dutro. In this case it was held that if a federal officer received contributions from federal employees and delivered or used them for political purposes, he would be "concerned in receiving" them and would be guilty of violation of the statute. The fact that the defendant "did so without any thought that he was violating any statute and felt that he was acting purely as a conveyor of these contributions to the political parties for whom they were intended, to accommodate those who were making the contributions, and purely as a personal matter" did not absolve him from guilt. The principle appears to be definitely established, therefore, that a defendant may no longer escape punishment by alleging that he received a political contribution as a mere agent or messenger for the purpose of turning it over to a political organization.

judgment, the local prosecuting officer of the government is not wholeheartedly seeking a conviction.

Prohibition of Forced Political Services.—Coercion may be exerted by a superior officer not merely to extort a contribution from the employee but to extort political service of one kind or another. To coercion of this type the civil service act offers no effective opposition or restriction, nor has any subsequent statute done so. The act indeed lays down the principle "that no person in the public service is for that reason under any obligation to render any political service and that he will not be removed or otherwise prejudiced for refusing to do so"; (Section 2, Second, Fifth) and the rules provide that "no person in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof" (Rule I, 1), a provision which has been interpreted by the Commission as prohibiting a superior officer from requesting or requiring the rendition of any political service or the performance of political work of any sort by subordinates. But there is no penal sanction behind this will, and its effective enforcement depends upon the desire of the President and the department heads to coöperate.

To what extent employees are actually called upon by political superiors to perform political service it is difficult to say. In view, however, of the relatively insignificant number of complaints on this hand which reach the Commission, it seems fairly clear that violations of the rule are relatively infrequent.

Like the local federal prosecuting officers, the departmental authorities also have too frequently displayed an excessive tenderness towards the superior officer who has been detected by the Commission in a violation of the law prohibiting political assessments or of the rule prohibiting political discrimination. The Commission consequently, on several occasions, has recommended to the President that the rules be so amended as to make it mandatory upon the departments to act in accordance with the recommendation of the Commission

in any matter involving the violation of these provisions of the law and rules, such recommendation to be subject to review only by the President. It is hard to see any objection to this proposal. It is not open to the exception which may be taken to the injection of an outside body into the matter of removals or punishments in the service generally, as dividing responsibility for administration. Here the responsibility for the enforcement of the law and rules is primarily upon the Civil Service Commission. Indeed, it is rather the present arrangement which divides responsibility in that while the Commission is supposed to be responsible for the enforcement of the law and rules it has no effective means of discharging that responsibility but is at the mercy of the departmental officers.

Prohibition of Coercion by Persons Outside the Service.—Manifestly the official superiors of an employee are not the only persons in a position to coerce him to make political contributions or to render other political service. Equally effective is coercion exercised by a person not holding any official position but known by the employee to be of authority or power in the party organization to which the political superior officer belongs. A threat of demotion or dismissal or a promise of promotion by such an individual would be fully as effective a means of coercing the employee as a threat or promise by the superior officer himself.

It might be thought, therefore, that Congress had extended to the employee the same statutory protection against the possibility of coercion by persons of this type that it has against coercion by superior officers. The only statutory provision, however, which condemns such coercion is that of the civil service act, "that no person shall in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in this act or in any navy yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or any other thing of value for any political purpose whatever." (Section 12.)

Both the Courts and the Commission have given to this

prohibition the widest possible interpretation;[1] but by no stretch of interpretation can it be extended to cover a visit by the party worker to the employee at his home.

The Commission has recommended repeatedly to Congress a statute which would prohibit the solicitation of a political contribution from an officer or employee in the Government by any person whatsoever, but the proposal has never received any consideration from Congress. The enactment would seem to be plainly called for, and should cover, moreover, the solicitation of political service of any kind.

Restrictions on Voluntary Political Activity.—In contrast to the question of the coercion of the employee into rendering political contributions or service, the question of the restrictions, if any, which shall be placed upon his voluntary activities is indeed a difficult one. The line between contributions or service rendered as the result of coercion and that which is really voluntary may be and often is impossible to draw. No word of threat or promise may be spoken by the superior officer, yet the employee may know perfectly well that a contribution or activity on his part will earn its due reward and conversely that failure to contribute, or inactivity,

[1] The Commission by a minute adopted March 23, 1897, held that addressing a letter to a government employee in a government building soliciting political contributions is a solicitation in that building within the meaning of section 12 of the civil service act, and in this opinion was sustained by the advice of eminent counsel (See 14th Report, pp. 147-155), but notwithstanding numerous violations no opportunity arose of having the question judicially determined until 1907, when an indictment was obtained against Edward S. Thayer at Dallas, Texas. A demurrer was interposed to the indictment and was sustained on the ground that the act required the personal presence in the government building of the solicitor. Appeal was taken to the Supreme Court, and the judgment of the lower court was reversed. (United States *v.* Thayer, 209 U. S., 39.) The opinion of the court, which was delivered by Justice Holmes on March 9, 1908, establishes definitely the proposition that solicitation by letter or circular addressed to and delivered by mail or otherwise to an officer or employee of the United States at the office or building in which he is employed in the discharge of his official duties is a solicitation "in a room or building" within the meaning of this section, the solicitation taking place where the letter was received. (See also United States *v.* Smith, 163 Fed. 926, where the letter was personally delivered.)

The Commission holds that the sending through the mails of letters to government employees soliciting contributions, and omitting the street or home address from the envelopes with the result that the letters are delivered by the postal authorities in the government building in which they are employed, constitutes a violation of this section.

will bring swift and sure retribution. So long, therefore, as the chief officers are political appointees, particularly in local offices, it is next to impossible to be sure that any political activity on an employee's part is purely voluntary—that is to say, is rendered without any prospect or hope of reward or any fear of punishment.

Consequently, in the attempt completely to eliminate politics from public personnel systems, the only practicable course has seemed to many to be virtually complete prohibition of political activity on the part of non-political employees. This radical step was taken in the federal service in 1907, when the rules were amended by President Roosevelt to provide that "persons . . . in the competitive classified service while retaining the right to vote and to express privately their opinions on all political subjects shall take no active part in political management or in political campaigns," [1] and by subsequent

[1] This rule is subject to the following exceptions: "Whenever in the opinion of the Secretary of the Navy a strict enforcement of the provisions of section 1, Rule I, of the civil service rules would influence the result of a local election the issue of which materially affects the local welfare of the Government employees in the vicinity of any navy yard or station, the Civil Service Commission may, on recommendation of the Secretary of the Navy, and after such investigation as it may deem necessary, permit the active participation of the employees of the yard or station in such local election. In the exercise of the privilege which may be conferred hereunder, persons affected must not neglect their official duties nor cause public scandal by their activity." (Executive Order, May 14, 1909.)

"Employees of the executive civil service permanently residing in the following incorporated municipalities adjacent to the District of Columbia will not be prohibited from becoming candidates for or holding municipal office in such corporations:

"In Maryland—Takoma Park, Kensington, Garrett Park, Chevy Chase, Glen Echo, Hyattsville, Mount Rainier, Somerset, Capitol Heights, Laurel.

"In Virginia—Falls Church, Vienna, Herndon.

"Employees of the executive civil service, qualified to vote at a municipal election of the town of North Beach, Maryland (a summer resort, practically uninhabited during eight months of the year, and inhabited during the other four months almost exclusively by residents of Washington), will not be prohibited from becoming candidates for or holding municipal office in or under such town of North Beach, Maryland.

"This order, which is recommended by the Civil Service Commission, is based upon the facts that a considerable number of the residents and taxpayers of the towns mentioned are employed in the Government service, that service as municipal officers in such town should in no way involve general partisan political activity, and that the principle of home rule and local self-government justifies such participation." (Executive Order, February 14, 1912, as amended by Orders of May 5, 1914, May 26, 1914, and March 9, 1818.)

departmental regulations similar limitations have been placed on unclassified laborers.

Pursuant to its general power to "make investigations and report upon all matters touching the enforcement and effect of said rules," the Civil Service Commission, since 1907, has investigated scores of cases of political activity. In these investigations the phrase "active part in political management or in political campaigns" has been given a very wide meaning by the Commission. Some of the forms of activity which the Commission has thus held to be forbidden by this provision of the rule are:

1. Candidacy for service as delegate, alternate, or proxy in any political convention or as an officer or employee of the same.
2. Service on or for any political committee or similar organization.
3. Service in preparing for, organizing, or conducting a political meeting or rally, addressing such a meeting, or taking any other active part in the same.
4. Engaging in political discussions or conferences while on duty or in public places.
5. Canvassing a district or soliciting political support for any party, faction, candidate, or measure.
6. Offensive activity at primary and regular elections, soliciting votes, assisting voters to mark ballots, or in getting out the voters on registration or election days, acting as accredited checker, watcher, or challenger of any party or faction or assisting in counting the vote or engaging in any other activity at the polls except the marking and depositing of his own ballot.
7. Rendering service for pay, such as transporting voters to and from the polls and candidates on convassing tours even though rendered without regard to political party.
8. Service as an election officer, except in positions in which refusal to serve is penalized by the election law of the state.
9. Connection editorially, managerially, or financially with any political newspaper or writing for publication or publishing any letter or article, signed or unsigned, in favor of or against any political party, candidate or faction, or measure.
10. Soliciting, collecting, receiving, or otherwise handling or disbursing political contributions.
11. Candidacy for a nomination or for election to any national, state, county, or municipal office.[1]

[1] The actual holding of local office prohibited by Executive Order of January 17, 1873, is applicable to all federal employees, including presidential appointees and laborers. The order is as follows:

12. Betting or wagering upon the results of primary and general elections.
13. Service as a legislative agent or lobbyist and all activities in connection with direct legislation and proposed constitutional or statutory provisions, national or state, and with proposed municipal ordinances, regulations, and other enactments.
14. Distributing campaign literature, badges or buttons and wearing such badges or buttons while on duty.
15. Circulating political petitions.
16. Accepting political leadership or becoming prominently identified with any political movement, party or faction.

"Persons holding any federal civil office by appointment under the Constitution and laws of the United States will be expected, while holding such office, not to accept or hold any office under any State or Territorial government, or under the charter or ordinances of any municipal corporation; and, further, that the acceptance or continued holding of any such State, Territorial, or municipal office, whether elective or by appointment, by any person holding civil office as aforesaid under the Government of the United States, other than judicial offices under the Constitution of the United States, will be deemed a vacation of the federal office held by such person, and will be taken to be and will be treated as a resignation by such federal officers of his commission or appointment in the service of the United States."

By this order and by a supplementary order issued January 28, 1873, the following local offices are excepted from the rule:

1. Offices of justices of the peace, or notaries public, and of commissioners to take acknowledgment of deeds, of bail, or to administer oaths.
2. Deputy marshals of the United States, when these offices are conferred upon sheriffs or deputy sheriffs.
3. Positions and service on boards of education, school committees, public libraries, religious, or eleemosynary institutions incorporated or established or sustained by state or municipal authority.
4. Officers of the state or territorial militia.
5. Unpaid service in local or municipal fire departments.

By subsequent orders the following have also been excepted:

1. Employees on Indian reservations, appointed under state authority as deputy sheriffs or constables, as the requirements of the service demand.
2. Small salaried positions in municipal fire departments.
3. State and territorial positions by officers and employees of the Department of Agriculture if deemed necessary by the Secretary of Agriculture to secure a more efficient administration (Executive Order, June 26, 1907).
4. Special agencies under the Bureau of the Census when conferred upon state and county officials for the collection of cotton statistics (Executive Order, Aug. 4, 1909).
5. Temporary office of moderator of a town meeting and offices of a like character (Executive Order, Aug. 24, 1912).
6. Deputy state fish or game wardens' positions, without compensation, if conferred upon employees of the Reclamation Service and the National Park Service, with the approval of the Secretary of the Interior (Executive Order, July 9, 1914).
7. Appointments of employees of the Treasury Department, with the approval of the Secretary of the Treasury, on state, county, or municipal councils of defense for purposes of mobilizing and conserving the resources of the country (Executive Order, April 14, 1917).

The rule does not prohibit employees in the classified service from:

1. Attendance as spectators at conventions, attending and voting at primary meetings, caucuses, political committees, and similar occasions provided the employees do not participate in the deliberations, address them, act as officers, or take a prominent part in the same.
2. Membership in political clubs provided the employees are not officers, committee members, or delegates or representatives to other organizations.
3. Making political contributions to any committee, organization, or person not employed by the United States.
4. Candidacy of an employee for promotion or transfer to an unclassified office, with the consent of his department, provided he does not use his official authority or influence in political matters, neglects his duty, causes public scandal, or semblance of coercion upon his fellow employees.

The rule does not specifically prohibit classified employees from making contributions for political purposes, and the Commission has not interpreted it as embracing such contributions. Nor has the Commission ever recommended that the rule be so extended. It is difficut to see, however, why the actual contribution of cash does not fall more clearly under the head of "active part in political management or in political campaigns" than do some of the things proscribed by the Commission.

The failure of President Roosevelt to include the making of political contributions in the rule is doubtless to be explained by the fact that what appears to have been in his mind was principally the prevention of a public display of partisanship by the employee which he regarded as unseemly, rather than the suppression of political influence in the administration of the personnel system itself.

It is interesting to note that in a letter to the Civil Service Commission under date of June 13, 1902, in which he first laid down in almost identical wording the principle which he afterwards incorporated into the rule, President Roosevelt advanced as the reason for prohibiting classified employees from political activity merely that they were "precisely the

same reasons that a judge, an army officer, a regular soldier, or a policeman is debarred from taking such active part." To point out the fundamental respects in which the ordinary classified employee differs from a judge, or from any member of the armed forces of the state, in his relation to the political government, would be to expound the obvious. It is believed that so far as classified employees are concerned the only real justification for the drastic prohibition of political activity now found is the need for the complete suppression of all possibilities of the entrance of political factors. Did not the reason here advanced exist, that is to say, were the personnel system so thoroughly safeguarded from politics that political activity on the part of the employee could redound in no possible way to his advantage in the service or the failure to be politically active work to his disadvantage, it is difficult to see why there would be any impropriety in an engineer, a physician, a clerk or any other non-political employee of the federal government taking fully as active a part in political life as any other citizen.

Looked at from any angle, the limitations upon the rights of political activity now enforced in the federal service are an extremely severe infringement upon the personal liberty of the employee and are to be justified only by the overpowering necessities of the personnel system. The mere appearance of unseemliness would hardly constitute sufficient ground upon which to abrogate the political rights of several hundred thousand citizens.

The Civil Service Commission from the first has been a staunch supporter of the rule under discussion, as may be judged from the comprehensive meaning which it has given to the term "active part in political management or political campaigns." The Commission has never published an express statement of the reasons which it believes to justify the rule. It is believed, however, that were such a statement to be issued, the Commission's endorsement would rest rather upon the grounds here taken—the impossibility in the political conditions now surrounding the service of preventing coercion

by superior officers by any means other than this rule—rather than upon the grounds apparently had in mind by President Roosevelt in promulgating the order.

So long as the chief officers of the government, especially in the local establishments, continue to be selected upon a political basis instead of upon merit, and so long as adequate procedures, particularly in the field of promotion, salary increase, removal, demotion, and the like have not been developed in the service to minimize the possibility that these processes will be governed by political considerations, it is difficult to see how the present restrictions on the political activity of classified employees can be dispensed with without grave danger of a gradual but certain return of that political influence which the enforcement of this rule had undoubtedly done a great deal to suppress. The rule is thus to be regarded at the present time as a necessary evil.

The removal of all restrictions upon the political activities of employees is one of the demands of the National Federation of Federal Employees. It is not, however, a demand which has been or is likely to be pressed vigorously; and one gathers the impression that it has been placed in the Federation's program rather as an expression of a sentimental objection on the part of the employees to any restrictions upon their political rights as citizens than to a well defined intention to effect their removal. Similarly the so-called reconstruction program of the American Federation of Labor, adopted at its annual convention in 1919, declared that public employees "must not be limited to the exercise of their rights as citizens." No practical step has yet been taken, however, by either organization for the abrogation of present restrictions.

In addition to the restrictions upon the activity of classified employees and unclassified laborers there are certain restrictions enforced upon the political activity even of the political officers of the Government (other than those bearing upon the coercion of subordinates already reviewed). These regulations, which are in the form of executive orders, have a moral rather than a legal force. Their main purpose is to

prevent the exhibition by federal office holders of "offensive partisanship." Into a discussion of these regulations or canons of conduct it is not relevant to enter here; for they are intended not to safeguard the personnel system, but rather to maintain the proper relation of the political administration to the citizenship.

PART II

THE PROBLEM OF FEDERAL PERSONNEL ADMINISTRATION

CHAPTER VI

INTRODUCTION

The technical, positive problem of personnel administration in the federal service is, in many respects, merely a special phase of the general problem of personnel administration, as encountered in all large organizations, private as well as governmental. In public services, however, there are certain factors not encountered in private enterprises; and in the technical branches of the federal service special factors are present that are not encountered in states or municipalities. No program of personnel administration for the federal service can be successful which ignores these factors, and an attempt to force upon the service personnel methods derived from other and dissimilar fields, without giving due weight to these special factors, is doomed to failure.

Special Factors in the Federal Personnel Problem.—The need of shaping the methods of recruitment primarily with an eye to excluding political considerations in selection common to all public personnel systems, and the need still found in the federal service of safeguarding the exercise of administrative discretion in all other personnel matters, are not the sole respects in which the problem in the federal service differs from that of private enterprise. The absence of the profit factor in governmental operations is a prime difference. On the one hand, this makes for a less vigorous and ruthless application of the principles and methods dictated by an impersonal

calculation of operating efficiency. The tendency, unless special measures are taken to combat it, will be for the administrative officer in the public service to be influenced more largely by consideration for the employee than by consideration for the good of the service, if the two come into conflict. From still another standpoint the absence of the element of profit is of primary importance. The commercial enterprise in a competitive field must maintain a certain standard of efficiency, which implies a certain standard of personnel, or it will cease to exist. Hence a private enterprise in a competitive field may not reduce the attractiveness of the conditions of service below the prevailing level without losing its better personnel and facing failure. A public service, however, may continue to exist almost indefinitely despite a sub-standard personnel. The public service thus possesses no automatic check against the development and persistence of sub-standard conditions; and such a development must consequently be expressly and planfully guarded against.

The monopolistic nature of many of the activities of the public service, which is especially characteristic of the federal service is another closely related matter. In competitive private enterprise if the conditions of employment become unfavorable, the better employees find other places, and thus a symptom becomes apparent which generally leads to correction. In many branches of the federal organization no such general withdrawal takes place. The personnel of long service in those organizations, however valuable to the government and however deserving of reward at its hands, may be retained almost indefinitely, if the government chooses, though not, of course, at a maximum of usefulness, despite wholly unjust conditions of employment, simply because these employees have no other market for their peculiar experience. Unless special provision is made to prevent such a development, these classes of employees in a public service almost invariably suffer in their conditions of employment over a long period as compared with those classes of employees whose experience in the public service is an asset, or at least not a liability, in the business world.

The failure to take such special measures in the federal service is reflected in the wholly unjust relative conditions of compensation prevailing in the administrative and specialized clerical as opposed to the mechanical and labor positions in the federal service.

The political appointment and the resulting short and uncertain tenure of the heads and assistant heads of the executive departments and of many of the bureau chiefs and local chief officers is a factor which makes of particular importance a principle of personnel administration which should control in all large organizations, whether public or private. Too much reliance should not be placed upon unwritten law, which leaves the shaping of practice and procedure largely in the hands of the administrative officer. If a practice has proved its worth, it should be published with due formality and made of permanent record and should be regarded as constituting a part of the understanding of the management with the employees as to the conditions of employment, to be changed or departed from thereafter, especially if in any way unfavorable from the employees' standpoint, only for compelling reasons and under proper conditions of publicity. Because of the brevity of tenure of the political administrative officers and the need for protection against political influences and for enlisting public confidence in the fairness of the system, a greater degree of formalization of method may be required in respect to certain personnel practices in the federal service than would be required in the case of private organizations.

A further factor which distinguishes the problem of public employment from that of private employment is the popular feeling, deeply rooted, that the administration of the public personnel system should work with justice and fairness towards all members of the community. The outstanding phase of this belief is that every one has an equal right to enter public employment, and that consequently the methods of selection must be such as will not merely insure the selection of the most capable, but give to every person an equal opportunity to demonstrate his qualifications and to receive recognition in

exact accordance therewith. Not only in the matter of appointment does this feeling manifest itself. In every phase of public personnel administration, in promotion, transfer, lay-off, and the like, it is equally general.

Closely related to, and yet quite distinct from the requirement of obvious distributive justice is the principle that in the selection of personnel for service at Washington the severe political divisions of the country should be given equal or proportional recognition. This principle has long had recognition in the federal personnel system, having been prescribed by the civil service law. In existing practice the state is the unit employed in thus apportioning geographically the posts at Washington, but the proposal has even been pressed that each Congressional district should be recognized as a distinct claimant for a share. There are doubtless reasons why the recruitment of federal employees at Washington too exclusively from certain sections of the country is undesirable, but it is equally obvious that if pushed beyond reasonable limits, this desire to apportion the membership of the administrative personnel geographically may become a serious obstacle to efficient personnel administration. At its proper place the existing practice of the government in this respect is examined fully. Here it is desired merely to point to this as an additional element which complicates the problem of federal personnel administration.

Finally, it is not sufficient merely that the personnel methods of the government should work substantial justice as between aspirants for appointment or promotion. The fact that they do so work must be made apparent to the public; a general belief must be developed that the methods employed are as impersonal and fair as they are in fact. Such a belief is vitally necessary to the fullest development of the federal personnel system. Without it the service loses immensely in its attractiveness to the self-respecting worker. Nothing is more trying to the government employee than to encounter in his daily contacts a belief that the system of which he is a part is overrun, or even tainted, with favoritism and injustice.

That this belief may be without real foundation hardly makes its existence any less distasteful. Even more serious perhaps is its effect on recruitment. Unquestionably able applicants have been deterred in many cases from attempting to enter the federal service by an obscure feeling, generally arising from no just cause, that the cards, so to speak, were stacked against the applicant who possessed no "friend" or "backing."

Hence in the formulation of federal personnel practice it is not enough that the methods laid down should insure fairness and impersonal judgment as between individuals. It is almost equally essential that all operations be conducted in the light of the fullest and freest publicity, so that all persons, whether applicants, employees, or merely interested members of the public may at all times satisfy themselves that the regulations and procedures laid down are being observed in fact. This fairly obvious requirement is here stressed with what may seem unnecessary length. The reason is that it has been, of all the non-technical requirements of a sound federal personnel system, the most sadly neglected up to the present time.

The last and perhaps most fundamental difference between the federal service and private enterprise that requires special comment is that in private enterprise the higher officers are generally selected solely because of their capacity for their work and hence can safely be entrusted with a large measure of authority in selecting and promoting their subordinate employees; whereas in the federal service they are often selected because of their past work for their political party, and if entrusted with authority in selecting and promoting the employees under their jurisdiction they will be guided more by the interests of the party than by the needs of the undertaking. So long as this method of selecting upper officers on political grounds is permitted to continue, the methods of personnel administration in the government service must differ radically from the methods used in private enterprise.

The complete revision of the compensation standards now prevailing for the important executive positions in the fed-

eral service and their more or less close assimilation to the standards prevailing for similar positions in private industry is an indispensable prerequisite to the improvement of the caliber of the executive personnel. But this alone will by no means be sufficient. Only if *all* the conditions of employment are correct, and particularly the conditions respecting security of tenure and congeniality of work, will the proper material for important executive positions be recruited and retained. To men and women of this type a large freedom of action, with a commensurate responsibility for results, is the chief element of attractiveness in their employment. As has been pointed out already, the basis upon which the entire federal administrative structure has been more or less consistently reared—that of detailed prescription by Congress, months in advance, of innumerable minutiæ of administrative detail, and the centralization of responsibility for all final decisions at the highest practicable point in the administrative hierarchy—has a diametrically opposite tendency. Not until a thoroughgoing reform has been effected on both these heads will the executive administrative positions in the federal service compete with those in industry in attractiveness to persons of the executive type.

The Aim and Scope of Personnel Administration.—The aim of personnel administration may be defined as the recruitment of capable workers and their retention under conditions which will develop their maximum usefulness. From this obvious definition flows equally obviously the necessity, on the one hand, for establishing such conditions of employment as will attract to and retain in the service the class of personnel desired, and will maintain their zeal and good will; and on the other, for the use by the directing personnel of such methods in recruitment, assignment, transfer, promotion, and removal of the employees under their direction as will insure that each individual is placed to the best advantage. Of these two phases, the first, relating to conditions of employment, may be termed the substantive and the second, relating to methods of administration, the adjective. The first is fundamental.

Unless the basic conditions of employment involving compensation, working time, opportunity for congenial work and advancement, security of tenure, protection against arbitrary action by superiors, and other like elements, are sound, no refinement of technique on the part of the personnel administrator can save the personnel system from mediocrity, if not from substantial failure.

The methods of personnel administration, moreover, are themselves a part of the conditions of employment. Compensation and working time standards, methods of selecting for reassignment and promotion are of little value unless skillfully applied and administered; and security of tenure and safeguards against arbitrary action, designed for the benefit of the efficient and loyal employee, in feeble or unskilled hands, may become a shield for the shirker and malingerer, resulting in a clogging of the service with deadwood and a basic impairment of its attractiveness to the desirable type of employee.

Hence it is impracticable in examining the problem of personnel administration, particularly as it presents itself in so large a system as the federal service, to consider separately the questions of employment conditions and of personnel methods. With respect to each part of the personnel problem they must be considered concurrently.

Procedure in Developing a Proper Personnel System.—In seeking to arrange the several parts of the personnel problem for orderly presentation, it is difficult, if not impossible, to discover a sequence in which each part is based wholly on what precedes and is, in turn, fundamental to what follows. The various phases of a personnel system react upon each other. It seems best, therefore, to approach them in the order in which one would proceed were one planning, in advance of any actual execution, a theoretically complete personnel system and formulating all the principles and practices which should govern its operation.

Needless to say, a personnel system is seldom if ever actually thus developed. In most large organizations the system of personnel, like other phases of administration, is shaped

by current determinations, made in response to what seem to be current needs; and when a particular defect appears a remedy is applied that may or may not be sufficiently general in scope adequately to correct the difficulty. Such has been preeminently the history of the federal system. On that account, doubtless, it will be all the more useful to approach the current system from the theoretical point of view, and thus to develop most clearly the manner and the extent of its divergence for the theoretical ideal.

The first step in the construction of a well ordered personnel system is the systematic classification of the personnel required and the determination of the compensation to be attached to each class. The next step is to determine which of the positions listed is normally to be filled by recruitment from outside the service, and which by selection from within the service, whether by promotion or transfer. This question of selection from within as opposed to recruitment from without is perhaps the most basic of all the general questions which the construction of a personnel system presents. Upon its solution will depend in greater or less degree the decision taken on each of the other major questions presented. Once settled, the methods and practices to be followed in applying each of these two methods of selection must be determined. After positions are assumed to be filled, the next question is what practices shall be adopted to stimulate the individual worker to zeal and productivity; and the cognate question of the measures to be taken to check positive inefficiency or misconduct. Next is the question, related to the last, but quite distinct from it, of the system to be provided to relieve the service of those disabled through age or accident. Finally, the question is presented of the measures which may be taken to elevate the general level of interest, health, contentment, and technical efficiency. These constitute the primary, positive problems of personnel administration, each more or less distinct yet each intimately bound up with the others.

Of no less importance than the development of the principles to be applied to each of the problems thus defined is the

determination of who shall be charged with their formulation and application. To what extent should Congress itself attempt to do this, and to what extent should it be left to the President, to a central personnel agency, or to the departments? And, in the case of each authority, to what extent should the body of the personnel itself, whether acting through officially constituted organs, or through organizations standing outside of the official structure, be consulted with or given a share in the determination?

The Problem of Personnel Control.—The need for the establishment of means of controlling administrative officers in respect to the appointment, promotion, or dismissal of employees with a view to eliminating political and personnel administrators has been pointed out. The aggregate of such restrictions frequently goes by the name of civil service control. Since such civil service control is negative and restrictive, it obviously should be limited to what is strictly necessary. What those limits are will depend upon factors which differ from service to service and from time to time, such as the state of political morality, the character of the chief administrators and the method of their selection, and the importance of the work to be accomplished by the subordinate personnel. The degree of civil service control necessary at any particular point in the personnel system is thus variable. Unfortunately, civil service control, necessarily based upon laws, rules, and regulations, tends to become static and fixed, so that it is exercised for a considerable time after the conditions which called it forth have changed or disappeared. So long as its extent is substantially proportionate to the dangers of political and personal favoritism to be overcome, it advances correct personnel administration; but once restrictive control goes beyond this point, it becomes a hindrance.

The delimitation and the current readjustment of the proper boundaries of civil service control thus present one of the most difficult problems of public personnel administration; and it can be solved only by a careful and continuing study of the actual conditions of political life which the civil service

control is designed to meet. In the present study of the federal personnel system no attempt is made to define *a priori* the precise degree of such control which should be imposed. The effort is rather to study, in connection with each point of personnel procedure at which political favoritism may enter, the past, present, and probable future conditions of political pressure at that point, and to make recommendations for civil service control accordingly.

The Need for Special Organization for Personnel Administration.—A final characteristic of the problem of personnel administration, often lost sight of in public employment, though gaining increasing recognition in private enterprise, is that it calls for specialized attention on the part of officers specifically designated for the work. Necessarily, of course, the final decision in matters of personnel must rest largely with the administrator responsible for results. He cannot be held responsible if he is compelled to employ people whom he deems unsuitable, or if he is unduly restrained from exercising his own discretion in promoting, removing, disciplining, and otherwise controlling the employees under his direction. In personnel administration, however, much more than this is needed. The administrative officer is prone to regard the employees under his jurisdiction merely as instrumentalities for producing results. He does not have time or frequently, natural bent, to view them as potential resources of the service, whose development for higher usefulness in the service is always to be kept in mind equally with their present utility. Nor is he likely to give sufficient consideration to the purely personal and human aspects of the matter, the desire of the employee for advancement, and his dissatisfaction with his employment conditions. Hence, he is as likely as not to overlook opportunities for developing latent material and for adding to the contentment and happiness, and hence to the morale of the service. Nor in the formulation of personnel policies does he always consider long-time values for the service as a whole, as against immediate results.

The employment manager or personnel manager, now so commonly found in private enterprise, has come into being, to give special consideration to personnel matters, in respect both to general policies and to actions affecting individuals. The specific functions entrusted to the employment department of a large private enterprise, and its organization within the several operating divisions of the enterprise, are matters which vary widely from one concern to another. But the general theory on which the expenditure for the services of the employment manager and his assistants is justified is the same —that it furnishes the necessary additional assurance that in the desire for immediate results in production, the interests of the enterprise in a well trained, advantageously assigned personnel shall not be neglected.

In the federal service, as will appear in the discussion of the specific aspects of personnel administration contained in the following chapters, the need for the employment, or personnel manager, as herein conceived, as yet has received virtually no recognition. Some officers have titles which apparently imply that their function is that of an employment manager, but on examination it is usually found that their duties are confined to the maintenance of personnel records and to insistence on the observance of the rules and regulations regarding their performance.

Changes in practice and procedure are suggested at not a few points in the following pages. In hardly any cases can the advantages of the method proposed be realized merely by an amendment to the formal rules and regulations. They are the fruit only of consistent and zealous effort by an officer studious to improve the employment system. Unless the function of employment management is substantially developed in the federal service many otherwise curable defects will remain. On the other hand, should that development take place, a substantial improvement will unquestionably result, not merely in those respects to which attention is called in the succeeding chapters but over the whole field of personnel administration.

Although in private practice the function of employment management is usually entrusted to a single individual who makes it his sole concern, it is by no means indispensable that such should be the case. In the federal service, doubtless, much can be accomplished merely by developing special committees and bodies of administrative officers, either for formulating policies respecting personnel or for taking action in matters affecting particular individuals. The essential point is to make the function of personnel management distinct from operating administration and to develop a separate organization for the performance of that function, whether by utilizing existing officers or by engaging special officers for this particular purpose.

CHAPTER VII

THE CLASSIFICATION AND STANDARDIZATION OF POSITIONS AND SALARIES

The fundamental basis of an efficient public personnel system is a logical and systematic classification and standardization of all positions comprehended by such a system and of the compensations attaching to the several positions therein set forth. By this is meant that there must be established by statute or administrative action a formal enumeration of all positions required in order that the activities of the government to which it relates may be properly performed, with a description of the duties and responsibilities of each position, the qualifications required of its incumbent and the compensation attaching to it; that these several positions shall be classified in groups and sub-groups according to their character and within which they must be graded according to the relative degrees of experience, skill, and responsibilities required of their holders; and, finally, that provision be made for the current revision of this classification as need therefor arises. Not until this is done, and done properly, is it possible to handle in a satisfactory manner any of the major problems of personnel administration, recruitment, promotion, allocation of duties, determination of personnel needs, etc.

In a small undertaking the determination of the qualifications, duties, and compensation is commonly and satisfactorily made whenever occasion arises for filling a vacancy, making a promotion, or increasing a salary. In these cases the determining factor is the value attached to the services of the individual involved. As the organization expands, this method usually persists. It soon becomes apparent, however, that, despite the seeming common sense of this method, it results

in wide variations in compensation for the same work and in undue discrepancies between the pay for different kinds of work. It is then found that, if these inequalities are to be avoided, the compensation rates to be attached to each position must be determined on the basis of duties of positions without regard to the individuals occupying them. A limited variation in the precise pay for a position may be made, of course, to provide for clearly defined variations in efficiency and length of service, but the rates established and the requirements in respect to efficiency and length of service must be made without regard to any particular individual. As the organization becomes larger and its activities more varied it becomes increasingly necessary to fix compensation on the basis of duties and to determine and classify positions on this basis, if anything like substantial justice is to be done between individual employees and compensation rates are to conform to the character of work and responsibilities involved. Finally the time arrives when, if an efficient personnel system is to exist, it is imperative that a systematic classification and standardization of all positions and salaries, as above set forth, shall be made. Especially is this so in a government where all personnel provisions, in the final instance, must be determined by or have the approval of a legislative body.

In the case of no undertaking or government in the world is the need for such a standardized classification of positions and compensation greater than in that of the national government of the United States. This results from the magnitude of its operations and the variety of its activities. It is thus a matter of great moment to determine the extent to which this fundamental requirement of an efficient personnel system has been met.

Legislative Determination of Positions and Salaries: The Statutory Roll.—It needs but a minute's inspection of the personnel system now in existence to reveal that hardly a beginning has been made in this direction. To begin with the first requisite to the establishment of such a system is that uniformity shall exist in respect to the determination of the

positions that shall be provided for and the compensation that shall attach to such positions. This uniformity is wholly lacking in the federal system. In some cases Congress itself attempts directly to determine the number, character, and compensation of positions. In others it leaves this to administrative authorities, subject to varying limitations.

The positions for which Congress establishes by statute the precise number at each title and compensation, although constituting but a small fraction of the federal service, are very numerous, embracing most of the important positions, and a host of minor ones. The positions of the heads and assistant heads of departments, services, and bureaus, local chief officers and a few other important positions, are generally established [1] in the first instance by permanent acts, usually the organic acts relating to the service in which they fall. The salary rates fixed in such acts, however, are annually confirmed and occasionally altered by the annual appropriation acts in which provision is made for the payment of those salaries.

Minor positions which Congress establishes by statute may be created in the organic acts or they may be provided for only in the annual appropriation acts. Legally considered, positions established by appropriation acts only have no permanent existence but are confirmed from year to year.

The following, taken from the act making appropriations for the sundry civil expenses of the government for the fiscal year 1919, illustrates the method of statutory establishment of positions by appropriation acts:

Employees' Compensation Commission: Salaries: Three commissioners at $4,000 each; secretary and solicitor, $3,000;

[1] In the case of some of the local chief officers the statutes create a distinct position for each local establishment. Thus, there is not a general class of positions of "collectors of customs" established by Congress, but the position of Collector of Customs at the Port of New York, Collector of Customs at the Port of Boston, etc. In other cases, the statute merely creates a number of identical positions (the number being either fixed or to be varied by the President within limits) without designating the localities to which such positions must be assigned. Such is the case with collectors of internal revenue. (See Revised Statutes, Secs. 3141, 3142, and act of August 15, 1876, 19 Stat. 152.)

chief statistician, $3,500; disbursing agent, $2,000; claim examiners—chief, $2,250, assistant, $1,800, two assistants at $1,600 each; special agents—one, $1,800, two at $1,600 each; clerks—four of class three, eight of class two, eight of class one, two at $1,000 each; messenger, $840; telephone operator, $720; in all, $63,510.

In the higher levels of the service, as already indicated, almost all positions are statutory. With respect to positions below these levels, however, it is impossible to define with precision the principle which Congress, in framing appropriation acts, employs in selecting the positions to be placed on a statutory basis. Wide variations in practice are found, impossible to explain on any consistent basis.

In general it may be said, though there are exceptions even here, that it is the practice for Congress to establish by law all the positions, however minor, attached to the office of the head of a department or bureau. In the operating divisions of the several bureaus and services, including the whole of their field organizations, specific positions, other than heads and deputy heads of local offices, are seldom established by statute. In a few of the field services, however, the specification of "statutory" positions for each field station or office in the same detail as that employed for the central offices at Washington is followed.

No computation of the precise number of positions specifically established by Congress is available; probably 20,000 would not be over the mark. The Reclassification Commission found that in the Book of Estimates for 1920 the positions in the Washington service established by statute carry 583 different titles. These positions are found in every branch of the service. Manifestly, Congress, in establishing these positions, if it is to do its work properly, should be guided by a standard schedule of classes in which the duties of each class are defined, and an appropriate title and compensation rate attached to each. Manifestly, too, it should have at hand accurate information as to the duties performed in each position. It is perhaps needless to say that Congress

has never taken measures to meet either of these two requirements. It has enacted no schedule of classes and grades of service.[1] It has not even attempted a definition of the duties of the specific positions, much less a comparative grading of those positions within each class, as a basis for the fixation of rates. The only standard by which the correctness or adequacy of the rates fixed for the thousands of statutory positions has been measured in recent years has been the personal judgment of the members of the committees of Congress responsible for appropriation measures. Nor have the congressional committees commonly had before them, in passing upon the titles and compensation rates for these "statutory" positions, more than the most meager information as to the duties involved. For the most part the schedules of statutory positions have been reënacted from year to year virtually without examination of the duties being performed or to be performed

[1] In certain of the groups of statutory positions will be found a series of titles and compensation rates, which at first blush seem to approximate a true classification, even though lacking in express definitions of duties. Upon close examination, however, they will be found to have no definite relation to the duties of particular positions. A good illustration is found in titles and compensation rates provided for the examining force of the Patent Office. The examining corps proper is organized in a number of divisions, at the head of each of which is a principal examiner. Under each principal examiner are a greater or less number of assistant examiners. These assistant examiners fall into four grades, with corresponding salary rates. The several grades, however, do not correspond to well defined gradations in the difficulty and responsibility of the duties or work performed. An assistant examiner may pass from one grade to the next, as a vacancy occurs, without his duties changing in any respect; and the difficulty and responsibility of his duties may greatly increase without his receiving any advancement in grade. A similar grading is found in the Public Health Service. In both cases there is, of course, a natural probability that long service necessary for advancement in rank, will entail advancement in difficulty and responsibility of duties; but this is not of the essence of the classification, which will be applied even in cases where the actual result has been a much less or much greater growth in difficulty or responsibility of duty than is usual. In a number of places in the appropriation acts containing statutory positions and rates, there will be found the title "Clerk, Class 1," "Clerk, Class 2," etc. To the uninitiated these designations might seem to refer to a standard classification of duties elsewhere prescribed. Such is not the case, however. The reference is merely to the so-called "classification" of clerks, enacted by Congress in 1853, by which all clerical positions for which no specific salary was fixed by statute were to be paid either $1,800, $1,600, $1,400 or $1,200 and were to be designated as of Class 1, 2, 3 or 4, accordingly. A "clerk of class 1" is, therefore, merely another way of saying a "clerk at $1,800." Congress has never attempted to define, even in the most general terms, the grades of duty appropriate to each of these classes.

under the several titles, change being made usually only when an increase of salary for some employee on the statutory roll is urged upon the committee, or when an administrative officer succeeds in convincing the Committees that a different arrangement of statutory positions is in the interest of the government.

The consular service furnishes perhaps the only instance except in the postal service in which Congress has attempted and ordered classification of the duties of the service and the corresponding fixation of compensation rates for particular positions. The salaries of consuls are fixed not in the annual appropriation act but in a general setting up of eight consular grades with corresponding salary rates, and allocating each consulate and each consulate general to a specific grade, presumably with reference to the difficulty and responsibility of the work attached to the several posts.

While the principle of this schedule of grading is entirely sound, it is believed that the determination of the relative difficulty and importance of the several consulates is one that should be made not by Congress but by the State Department. Here as elsewhere the crystallization of a classification or grading made at a given time into a statute almost inevitably tends to make permanent or static the classification thus enacted despite the changes which may subsequently ensue. The present grading of consulates was enacted in 1906. It needs no argument that the relative importance of the several consulates has greatly shifted since that time, yet the grading remains the same.

Administrative Determination of Positions and Salaries: Lump Sum Appropriations.—All positions and salaries not set up by act of Congress are established either by the President or by the heads of departments. In a few cases Congress has specifically authorized the establishment of positions of a particular class in the discretion of the President. Aside from such exceptional cases, however, the power to establish positions and salary rates, when not exercised by Congress, is vested in the heads of departments and independent establish-

ments, partly under certain express provisions of law, some of which are more or less obsolete and inapplicable, and partly under the implied power which an appropriation act confers upon these heads to take all steps necessary in the expenditure of the appropriations with which Congress has entrusted them.

If Congress, in making an appropriation for a specific purpose involving the employment of personnel, does not specify the positions and salary rates at which such personnel shall be employed, the appropriation is commonly designated as a "lump-sum" appropriation.[1]

As an example of such a lump-sum appropriation may be cited the following:

> To further enable the Interstate Commerce Commission to enforce compliance with section twenty of the Act to regulate commerce as amended by the Act approved June twenty-ninth, nineteen hundred and six, including the employment of necessary special agents or examiners, $300,000.[2]

In the postal service Congress has adopted a practice in the establishment of positions different from that followed by it in any other service. It would be manifestly impossible, of course, for Congress to establish by statute the precise positions to be set up at each and every Post Office. On the other hand, Congress does not give to the Postmaster General an absolutely free hand in this regard even within the limits of his appropriation. Instead it has adopted the peculiar method of specifying the total number of employees of whatever designation to be employed at a given salary rate. Thus it provides for the total number of clerks, carriers, and railway mail clerks at a certain rate to be employed throughout the service; the total number of foremen, money-order cashiers, assistant cashiers, bookkeepers, examiners, and so on to be employed at a given rate. The compensation rates prevailing in the postal service, moreover, are based upon an or-

[1] The term "lump sum" is also applied to certain appropriations which cannot be expended for personal services, but with these the present work is not concerned.

[2] 40 Stat., 649.

dered classification of the duties performed and a standard schedule of compensation rates attached to the several classes of duties. Without going into all the details of this classification, which are not of general interest it may be said that among the lower grades of employees the definite classes of clerks in first and second class post offices, railway mail clerks, carriers in the city delivery service, rural delivery carriers, motor route carriers, and village delivery carriers are recognized. In each of these classes a series of definite rates of pay are provided and employees advanced from rate to rate after a given length of service, subject to certain standards of efficiency discussed in a subsequent chapter. The compensation of postmasters of all classes is graded according to the receipts of their offices. Again, in the first class offices, where supervisory officials are required in addition to the Postmaster, definite schedules are set up for each grade of post office within the first class, the grading being according to receipts, and no less than twenty different grades being recognized. Moreover, a separate grading is provided for the superintending of the stations within large first class post offices. This grading is according to the number of employees in the station, ten grades being recognized for this purpose. Similar gradings are provided for the divisional railway mail offices, the inspection services, etc.[1]

Whatever the correctness of the details of this scheme or the adequacy of its compensation rates, it is at least a consistent, ordered system for the fixation of compensation that stands out in marked contrast against the haphazard system in the rest of the federal service. The acts, indeed, do not define the duties to be performed under the several titles, but these duties doubtless are defined sufficiently by the departmental regulations and tradition.

The method applied in the postal service is applicable manifestly only to a very large organization; and has not been em-

[1] The scheme of classification and grading here outlined is that established by the reclassification act of June 5, 1920. The classifications established by earlier acts which that act superseded followed substantially the same principles but were less consistent and harmonious.

ployed in fact for any other organization. In the remainder of the service, where Congress has not left the entire matter wholly in the hands of the administrative officers, or has not itself fixed all the details, it has commonly established the maximum salary that may be paid for a given class of work; sometimes specifying also the maximum number who might be employed at such maximum salary, or at salaries over a specified amount. The total number of positions whose compensation rates are governed by restrictions of this type is not inconsiderable but they form a very small fraction of the total. It is only necessary to say that in fixing its maximum rates in these cases Congress, or its committees, have before them no more in the way of a standard schedule of classes and grades of service than they have in establishing statutory positions.

Over a vast area of the service, embracing, if the postal service be left aside, far the greater part of the federal personnel, Congress has left the power to establish specific positions and fix their compensation rates in the hands of the administrative officers largely without restriction. But here, as elsewhere, it has completely failed to provide any standard classification of classes and grades of service to guide and control the action of the administrative officers in the exercise of the power entrusted to them. So far as the fixation of the titles and compensation rates of positions established by administrative action have been based upon sound principles of classification, the result is due wholly to the initiative and ability of the administrative officers concerned.

To attempt a general characterization of the situation prevailing over the whole service in this respect is at best hazardous; conditions vary greatly from department to department, and in some departments equally from service to service. It may be said safely, however, that over a considerable area of the service, the heads of departments and bureaus have exercised their wide discretion in the fixation of rates for individual positions with but little more regard to correct principles than has Congress. In those services in which a clear

differentiation into classes is almost automatic because of the nature of the work, such a differentiation, of course, exists, and it would be improved in form rather than in substance by the formulation of a standard classification embodying explicit definitions of duty for each grade. In these areas the general failure of administrative officers to draw up a formal classification is merely a technical delinquency. The same failure has occurred, however, with equal generality with respect to those services in which a clear-cut, complete, and formal classification is indispensable to effective personnel administration. At best what is usually found in these cases is merely a scheme of titles with a scale of compensation rates attached without any clear definition being attempted of the differences in the duties to be performed under the several titles.[1] At worst, there will be found, especially in respect to the clerical service, a failure not merely to adhere to, but even to develop so much as a consistent scheme of titles.

In the actual application of rates based on titles instead of definition of duties, some more or less clearly defined relationship between duties and compensation commonly guides the executives, and becomes a matter of tradition or understanding among the personnel generally. Experience proves, however, that such a genial reliance on a general understanding of loose distinctions is a snare and a delusion. Even where a highly developed, formalized and published classification exists, with the duties appropriate to each class ac-

[1] In theory it is quite possible, though very inconvenient, to draw up a sound scheme of compensation rates without employing titles at all; but it is impossible (though sometimes apparently quite convenient) to draw up such a scheme merely by employing titles without employing definitions of duties. An apparent exception is found where the titles themselves accurately and fully describe the duties intended, an occurrence much rarer than might be thought without examination. In not a few cases there exist classifications based solely on titles, which superficially seem accurately to imply certain duties. On examination it usually appears that no such accurate definition is in fact implied in them. "The facts abundantly prove the contention that the present titles, despite their great number and variety, are of almost no value for identifying the nature of the work actually performed. It is apparent that the present appropriation, payroll, and common titles of positions cannot serve as a basis for a system of uniform and equitable pay for the same character of employment." Report of the Reclassification Commission, Part I, p. 49.

curately defined, its correct application to particular cases is often difficult. Where no such classification exists, the inevitable result is wide variations in compensation rate between individuals in the same branch of the service doing substantially the same work, and, conversely, substantially the same compensation rates for individuals in the same branch of the service doing work of widely different grades of difficulty and responsibility.[1]

That such a result has actually ensued over large areas of the federal service has long been notorious. In 1907 the situation in the clerical employments in the departments at Washington was thus described by a committee of officials appointed by President Roosevelt to inquire into the methods of business of the government:

> It is a well known fact that through all the Departments people are sitting side by side doing the same class of work and receiving very different compensation. Some clerks doing the simplest kind of work are, by reason of length of service, receiving high salaries, while young men only recently certified by the Civil Service Commission, whose general intelligence and ability soon cause them to be assigned to the most difficult work in the office, have to wait many years before they receive the recognition in salary that the character of their work justifies.[2]

Thirteen years later the Reclassification Commission draws an even stronger indictment:

> Sometimes employees working side by side doing the same work will be receiving rates of pay varying by 50 per cent, or even more. Often the more efficient employees are paid at the lower rates. Many instances can be cited where the clerk in charge of a section or other minor organization unit is receiving less than other employees working under his di-

[1] This is not to say that the mere existence of a paper classification will of itself prevent such conditions from developing; but in its absence they are almost certain to develop.

[2] Report to the President by the Committee on Department Methods; Classification of Positions and Gradations of salaries for employees of the Executive Departments and Independent Establishments in Washington, 1907, p. 6.

rection. His compensation for the added responsibility lies in the fact that if one of his more highly paid subordinates resigns his chances of getting the vacancy are excellent.[1]

The clerical employments at Washington comprise by no means the only portion of the federal service in which these conditions exist. They exist also, though perhaps to a less pronounced degree, in the technical and professional employments at Washington, and in the field services. As an important instance of such failure may be cited the internal revenue service, where upwards of three thousand persons are employed under the wholly non-descriptive title of deputy collector, at salaries running from $900 to $3,000. Obviously there must be a world of difference in respect to duties between the officers receiving the upper limit and the employees receiving the lower. The former are, in fact, assistants to the collectors in charge of the more important collection districts, and have important and difficult duties, both in the supervision of the office and field forces, and in the handling of difficult questions of the application of the laws arising in their districts. The latter are in some cases clerks employed on low grade routine work, in others, detectives assigned to routine work in respect to infractions of the revenue laws applicable to liquor, opium, etc. Between these two extremes, moreover, are a small army of employees performing duties of many different shades of difficulty and responsibility, susceptible, owing to the completely standardized nature of the work performed in the field by the internal revenue service, of precise definition and systematic classification.

Perhaps even more inconsistent with sound principles is the setting-up of graded titles, apparently implying the existence of a corresponding gradation of duties, when in fact the compensation rates affixed to the several titles overlap, thus on their face negativing the implication of a grading of duties. An instance of this type of classification is that prevailing in the Department of Justice where "attorneys" are found who

[1] Report of the Reclassification Commission, Part I, p. 52.

receive but $2,500, while some "assistant attorneys" receive as high as $3,500.

Space will not permit the examination in this volume of all the inconsistencies and imperfections of classification which now obtain in this relatively simple matter of grading the duties embraced in each given type of service within a given department or branch. It should be pointed out, however, that almost without exception there has been a failure accurately to classify and grade the duties involved in the general types of clerical work found in the federal service. Aside from such supervisory classes as are commonly designated in the practice of the federal service as "chief clerk" and "chief of division," almost all the clerical work of the government, in offices having a statutory roll, is performed under the single title of "clerk," with salaries ranging from $900 to $2,000. Not only, as already stated, has no attempt ever been made by Congress to define the grades of clerical duty which should attach to any given salary rate; so far as available information indicates no such attempt has been made by any head of department or branch, except to a limited extent in the Emergency Fleet Corporation and the Shipping Board. It is not surprising, therefore, that the condition of gross inequality in the relation between compensation and duty which was cited above as existing in the clerical employments in the departments at Washington, and which exists to almost an equal degree in the larger organizations employing numbers of clerks in the field, should have come about.

The responsibility for the failure to develop precise classifications for each given class of service in each department or branch, which has ensued almost universally over the whole area of the federal service, rests doubtless in large measure upon Congress, but in no small measure also upon the President and the Civil Service Commission. Under the general power of direction which the President possesses and under the power to make rules with which he is vested by the civil service act, he could undoubtedly have compelled the proper classification of the several services, either directly by the Civil

Service Commission or by the departmental officers under its direction and supervision.

Lack of Inter-Departmental Uniformity in Titles and Compensation Rates.—But even if each department or bureau had developed and applied a consistent salary classification for itself, uniformity, the primary essential of a classification for the federal government, would not have been secured. The requirement of uniformity is simply that each kind of service, as for example, telephone switchboard operating, or mechanical drafting, shall be classified and compensated in a uniform manner in all the various departments, bureaus, and divisions of the government in which that service is employed. An inequality in compensation rate for the same service as between one governmental establishment and another is, of course, far less serious in its effect upon morale, and upon the administration of personnel affairs generally, than is like inequality within a single branch, but it is none the less highly undesirable. It is manifestly wrong in principle. At its worst it may represent an actual overpayment of the employee at the higher rate, and an actual underpayment of the employee at the lower rate.

The inevitable result of the absence of any central control, coupled with the failure of most of the departments to develop a cognate departmental control over its several bureaus and offices, has been the development of wide divergencies between department and department, and even between organizations in the same department, in the compenastion for the same work. The fact has long been patent, though details have not been readily obtainable. So far as the departmental service at Washington is concerned, however, the investigations of the congressional commission on reclassification have now furnished abundant evidence.

The Commission finds that the salary and wage rates for positions in the same class are different in different departments and independent establishments. The scale of pay in some departments is markedly higher than the scale for the same class of work in other departments.

The statistical evidence to support this finding is superabundant. It is to be found in the figures for almost every numerically important class which is represented in two or more establishments. One of the instances that particularly impressed the staff of the Commission as it made its detailed examination of the figures, in connection with the recommendation of the Commission in respect to salaries, was that of the junior examiners. They are found mainly in the Bureau of War Risk Insurance and the Bureau of Internal Revenue, both of the Treasury Department, and in the Pension Bureau and the General Land Office of the Interior Department.

In the Interior Department the most common rate for junior examiners was $1,200, whereas in the Treasury Department two rates were almost equally common, $1,400 and $1,800. The lower rate prevails in the Bureau of Internal Revenue and the higher rate in the Bureau of War Risk Insurance. These figures are exclusive of bonus, but obviously such differences were not offset by either the bonus law which was operative on April 30, 1919, nor are they offset by the present law.

The Commission did not develop in its report any other major instance of diversity of scales between specific departments, though unquestionably a great variety of such instances are to be found in the unpublished tabulations made by it.

Coincident with the wide divergencies between the departments in compensation scales has developed an even wider divergency in the titles employed to designate a given class of work. The investigations of the Reclassification Commission have made concrete what has long been a matter of general knowledge.

Employees termed "Senior file and record clerks" in the classification according to the duties actually performed have been selected for the first illustration. This class embraces 2,400 employees. While many of them were described as clerks of the four classes and some as "clerk class $1,000," "clerk class $1,100," "clerk class $1,300," and some simply clerks, the positions of others were described by many different titles, 105 being the total number of different titles now in use for this class. . . .

Junior examiners have been selected as a second illustration. In this class some 500 employees are described at present by 48 different payroll titles. . . .

Examples of many different payroll titles embraced under a single class title are not limited to the services involving filing and examining work. They are found in nearly all of the services. Under the title "Junior civil engineer" as the correct occupational designation, were found positions carrying 33 different payroll titles some of which were: "Clerk, Class III," "Chief draftsman," "Valveman," "Assistant classifier," and "Skilled laborer."

In the class of positions, properly designated as "Associate cadastral engineer" involving knowledge of United States laws and regulations governing public land patents as well as engineering, were found several employees whose positions now carry the following payroll titles: "Clerk," "Clerk, Class III," "Clerk, Class IV," and "United States surveyor on special detail." Among those correctly classed as "Carpenter" were found some 400 employees having at present 29 different payroll titles. These included "Mechanic," "Mechanician," "Night guard," "Orderly," and "Clerk, Class 1200." . . .

An examination of the questionnaires of 1,283 employees whose salaries are appropriated for under the title of "Clerk, Class 1" showed that they are filling positions that call for the performance of 97 varieties of duties. A similar study of the questionnaires of 3,207 "Clerks, Class $1,200," brought out the fact that they are properly classifiable in 77 of the classes proposed in this report. This analysis, carried further, revealed the same condition throughout the whole range of present clerk classes.[1]

The Work of the Reclassification Commission.—Fortunately the Congress has recognized the necessity for some action looking toward the proper classification of the government employees. In the so-called Legislative Appropriation Act, approved March 1, 1919,[2] it provided for the establishment of the "Joint Commission on Reclassification of Salaries," which was to consist of three Senators, members of the Sixty-fifth Congress, to be appointed by the President of the Senate, and three Representatives, members of the Sixty-fifth

[1] Report of the Reclassification Commission, Part I, pp. 45-48.
[2] 40 Stat. 1269.

Congress, to be appointed by the Speaker of the House. The duties of the Commission were thus laid down by the act:

> It shall be the duty of the commission to investigate the rates of compensation paid to civilian employees by the municipal government and the various executive departments and other governmental establishments in the District of Columbia, except the navy yard and the Postal Service, and report by bill or otherwise, as soon as practicable, what reclassification and readjustment of compensation should be made so as to provide uniform and equitable pay for the same character of employment throughout the District of Columbia in the services enumerated.

The Commission was given an initial appropriation of $25,000, which was later supplemented by an additional appropriation of $50,000; and the heads of the various governmental services and the Commissioners of the District of Columbia were directed to furnish office space and equipment, detail officers and employees, furnish data and information, and make investigations whenever requested by the Commission.

The Commission began its work in April, 1919, and submitted its report to Congress on March 12, 1920.

Working Organization of the Commission.—The organization of the Commission was as follows: all broad matters of policy and the fixing of the rates of pay to be recommended to the Congress were passed upon by the Commission as a whole. The three Representatives, appointed by the Speaker of the House, were not members of the Sixty-sixth Congress and thus they were able to devote all their time to the work of the Commission. They exercised constant general supervision over all its activities and passed upon the many detailed questions that arose.

To furnish advice on the technique of classification and to be directly responsible for the actual direction of the classification work proper, the Commission retained a company of industrial engineers who had had experience in similar work in this country both in governmental and commercial lines.

The great body of the Commission's personnel was composed of employees detailed to it by the several departments. This force was divided into four principal divisions, the classification staff which was concerned with the preparation of the specifications descriptive of the several positions, the research staff that made most of the economic and social studies specially desired by the Commission and prepared most of the salary recommendations for consideration by the Commission, the clerical staff that maintained the records, and the statistical staff that compiled the figures required by the Commission in respect to the service as it was on April 30, 1919.

The employees detailed to the Commission were generally selected because of some special qualifications for their proposed assignment. The organization thus brought to bear on the problems involved, the judgment in respect to matters of policy of six members or former members of Congress, the technical advice of persons experienced in the technique of classification, and the knowledge possessed by the detailed staff regarding the various governmental agencies, procedures, and positions. In addition the Commission organized and had the assistance of a great number of different committees made up of people not on the staff of the Commission. There were committees for each large organization, representative of the employees and the administrators, committees on each of the more important major subjects before the commission, representative of the public, the administrators, and the employees, and committees on each of the several types of service recognized by the Commission. These so-called "service committees" were given formal hearings at which they presented their criticisms and suggestions regarding the specifications and their recommendations regarding salary scales. Many of these committees devoted a large amount of time to their work for the Commission; and its report is based on the most far reaching investigation of the personnel of the United States Government at Washington that has ever been made.

Method of Determining Position Specifications.—The method pursued by the Commission in developing its speci-

fications was briefly as follows: each employee on the payroll on April 30, 1919, was furnished with a questionnaire which asked, among other things, "What work do you actually perform in your position?" When the employee had filled out his questionnaire, it was submitted to his official superior who was asked, "What is the work actually performed by the employee to whom this questionnaire was addressed?" He was also asked, "What qualifications do you think applicants who seek appointment to this position should possess (*a*) As to education, (*b*) As to length and kind of practical experience, and (*c*) As to personal characteristics?"

The questionnaires were submitted to the Commission in the order in which the names appeared on the payroll. Since in the government service there is commonly no relationship between organization units and payrolls, the first step taken by the Commission, after making sure that all questionnaires had been received and establishing its controlling records, was to arrange the questionnaires in true organization order, with each employee's card coming under that for his immediate superior together with those for the other employees in the same unit doing the same kind of work. Organization charts were then prepared, giving a graphic view of the various units and the lines of authority.

The questionnaires were then symbolized, by the use of a numerical code, to show the distinct service or group of closely related services to which they belonged. These services were generally easily recognizable trades, crafts, vocations, or professions. In the clerical group the services recognized followed lines that reflected the functional organization lines observable in many of the government departments. An accounting service took care of most of the employees in the disbursing and auditing offices; a supply and equipment service provided for the employees of the supply divisions; a publications service, for the employees of the publications division; a mail, file, and record service for the employees of mail and file divisions; and a personnel service for the employees of the appointment offices. Special services for stenographers and typists, statis-

tical clerks, mechanical tabulating machine operators, office appliance operators, telephone and telegraph operators and messengers, with a miscellaneous clerical service, provided a rough plan for bringing together employees doing like work.

Until the questionnaires had been thus symbolized by services, they were kept in organization order so that the statements on the cards could be interpreted in the light of the information contained on other cards in the same organization. When the greater part of the symbolizing had been completed, the questionnaires were sorted by services; and the questionnaires for each service were turned over to the staff committee which was responsible for the preparation of the specifications descriptive of the different classes of positions in the particular service.

As a general rule tentative class specifications were drawn up by the various committees in advance of actually sorting the cards for any service into classes. For this purpose the committees drew on several sources of information. They scanned the questionnaires and since most members of the committees had come from the respective services concerned, they drew on their own knowledge of the positions involved. They consulted informally with officials and employees in the government service and others in whom they had confidence. Suggestions were also derived from study of titles and specifications printed in the reports of other modern classifications. These first drafts of tentative specifications were then tested and revised through the process of actually using them as a basis for sorting the questionnaires to classes.

The tentative specifications as thus drafted and tested by the several committees were reviewed by the headquarters staff and, as a rule, by at least one of the House members of the Commission, and when they were regarded as reasonably satisfactory, they were mimeographed and submitted to the special service committees organized outside the Commission's staff from among the employees and the administrators who were engaged in or were especially concerned with the particular type of work involved. These committees were asked

to criticize the specifications and to make suggestions regarding salaries. Each committee was asked to submit a brief and was given a hearing on its brief. The specifications were revised in the light of these criticisms before their final adoption by the Commission.

Scope and Character of Specifications.—For each class of positions recognized by the Commission there is provided: (1) a brief descriptive class title; (2) a statement of the duties of the position in the class, and generally a few specially selected examples illustrative of the duties; (3) a statement of the qualifications required for entrance into the class; and (4) an indication of the principal lines of promotion to and from the position. These four items make up the classification proper and to them are added the compensation rates recommended by the Commission for the class.

Primary Unit of Classification: the Class.—The Commission thus defines its "class" which is the primary unit of its work:

> A "class" is a group of all positions which, regardless of their organization connection, or location, call for the performance of substantially similar duties or work and involve the exercise of responsibilities of like importance and therefore demand substantially the same qualifications on the part of incumbents, and are, for these reasons, subject to common treatment in the selection of qualified appointees and other employment processes, and that can be aptly described by the same title.

Under this system of classification, it will be noted, no effort is made, in the classification proper, to consolidate into grades employees doing dissimilar work, believed by the classifiers to be of like value. Conceivably certain classes of accounting clerks or bookkeepers, filing clerks, statistical clerks, supply clerks, addressing machine operators, and mechanical tabulating machine operators may all be regarded as of like value and might be consolidated into a heterogeneous grade under some such common title as "clerk." The Commission deliberately rejected this suggestion. Any such grading sys-

tem assumes that in the different kinds of clerical work the lines dividing one class from another may be drawn arbitrarily at any point that will fit the standard grading scheme adopted, and that steps of exactly the same standard height are applicable to all kinds of clerical work. The Commission was of the opinion that the facts regarding the different kinds of clerical work were incompatible with this assumption, and that the number and the width of the gradations would have to be determined on the basis of the facts regarding the specific work and not on the basis of a preconceived system of grades.

Titles for a heterogeneous grade, too, were regarded as too indefinite to be really descriptive of the positions. The term "clerk" for example, is applicable to so many positions at Washington, over 50,000 according to the Commission's figures, that it has almost no descriptive value in estimates and reports regarding the work of the various offices. To make these estimates and reports specific and concrete, it was regarded as necessary that titles should be used that would give a much more definite idea of the work actually being performed.

In the great majority of cases, therefore, the Commission used as its primary unit a scientific class, made up of positions requiring like work, involving like responsibilities and requiring like entrance qualifications. Its main departure from this principle is in its so-called "group classes" which are found mainly in the middle and higher ranges of the service and provide a single "group class" for positions alike in respect to duties, responsibilities, and general qualifications but differing in respect to the subject matter or the official procedure of which the employee must have a thorough knowledge. Provision is made, however, that a parenthetical addition shall be made to the group class title to indicate specifically the exact nature of the work.

Practically all objects which may be attained through a duties classification of positions may be secured through one that adopts as its primary unit such a true, scientific class. It would serve not only for salary standardization but for re-

cruitment, promotion, and transfer, and, in a large measure, it would furnish a standard terminology to be applied in descriptions of organizations and procedures and in estimates and reports. It permits of the arrangement or the combination of these units in a number of significant ways and thus it is a good classification for statistical and accounting purposes.

Arrangement of Classes in Series and Services.—In the Commission's report the 1,762 classes it found in the departments and offices at Washington are arranged first in "series," if series are applicable, and in "services." It thus defines its "Series" and "Services."

> Where a number of "classes" of positions are substantially similar as to the type of work involved and differ only in rank as determined by the importance of the duties, the degree of responsibility involved, and the amount of training and experience required, such "classes" constitute a "series," and each is given a title containing a common term descriptive of the type of work, with a modifying term indicative of the relative rank.
>
> A "service" is a general aggregation of classes of positions grouped regardless not only of departmental and organization lines, but also regardless of rank, on the basis of outstanding common characteristics, selected more or less arbitrarily to aid in the process of classification. A "service" includes positions belonging to a given occupation, vocation, calling, profession, business, craft, trade, or group of trades—a general line of work.

The Commission did not employ the sharp division into Professional, Sub-professional, Clerical and so on that has been a feature of some modern classifications, and closely resembles the orthodox broad divisions long used in occupational statistics of population. Its classes, of course, could have been thus arranged, but it preferred the less theoretical, less academic system of bringing together in one place positions in related work, whether they were professional, sub-professional, or clerical. Incidentally this arrangement relieved the Commission of the difficult and more or less embarrassing decisions, necessarily made more or less arbitrarily, as to

whether certain border-line classes of positions are to be put under professional, sub-professional, or clerical; but its fundamental purpose was to adopt an arrangement that would facilitate the subsequent use of the classification. If one is dealing with an accounting or auditing organization, one will find all the accounting and auditing positions in the same place; and a like arrangement is adopted for statistics, engineering, library work, and other types of work. In considering many government units, one finds the positions typical of the organization together instead of scattered through the book under the various broad divisions. On first inspection the scheme of arrangement adopted by the Commission is perhaps less quickly grasped, but after one has become familiar with it, it is far simpler to use.

Method of Determining Compensation Rates.—After the tentative class specifications had been developed by the classification staff of the Commission, they were submitted to the research staff, which used them as a basis for its study of what private employers were paying for similar work. The questionnaires were tentatively assigned or allocated to classes and were then submitted to the statistical staff which compiled statistics to show what the government itself was paying for the different classes of work in the different departments and independent establishments. The committees representing the administrators and the employees in the several types of work were requested to submit what they regarded as the proper salary scales. At the request of the Commission, the United States Bureau of Labor Statistics had made two budget studies in Washington, the first showing separately for men and for women what it cost an individual to maintain himself or herself in Washington and the second what it cost a family of five to live according to a minimum standard of health and decency.

General figures, of course, were available from official sources regarding the increase in the cost of living that has taken place over a series of years as well as wholesale and retail price indices, and statistics were compiled from the Official

Register of the United States to show the movement of the salaries of the government employees in the District of Columbia since 1893.

After consideration of all these factors the research staff made a recommendation to the Commission. The entire Commission considered the matter of salaries and had before it the specifications and all the data that were available.

The salaries recommended by the Commission represent the consensus of judgment of the Commissioners arrived at after considering all the available data. They do not represent the results of an adoption of any particular theory for salary adjustments. Various theoretical bases of salary fixing may be urged, such as the competitive principle or paying what private employers pay, the minimum wage principle, and the principle of increasing old rates by a certain percentage to offset increased cost of living. None of these principles were adopted by the Commission; they relied rather on their own judgment after consideration of the facts.

An examination of the rates recommended by the Commission discloses that in comparatively few cases has it suggested a rate below the minimum of subsistence for an individual, but that for the great majority of positions its rates are below the comfort and decency standard for a family of five as found by the Bureau of Labor Statistics. Its rates, as a rule, do not by any means offset the increase that has taken place in the cost of living, and old employees would not find the purchasing power of their salaries restored to what it was on their appointment if the new rates were to be adopted. For the lower paid positions the recommended salaries on the whole compare favorably with those in private employments. In the higher administrative, clerical, technical, and scientific positions, the recommendations are materially below the salaries in commercial enterprises. The salaries for technical and scientific employees are more nearly on a par with those paid in colleges and universities. The suggested rates for the clerical service closely approximate the salaries being paid by the government in the more conservative of the newer or the

war expanded government agencies. The Commission estimated that if its recommendations were followed, it would involve an increase of from eight to ten per cent over the salary rates that were in existence on April 30, 1919, plus the $240 bonus.

Provision for Minimum and Maximum Rates.—In common with most modern classifications, that recommended by the Commission usually provides for each class a range of compensation from minimum to maximum with specific steps within the range. These steps give opportunity for annual advancement until the maximum is reached to those employees within the class whose efficiency records meet the standards of efficiency to be established for the different rates within the class. It was the intention of the Commission that the maximum rates should be paid only to those who have served the specified number of years and have also reached the maximum standard of efficiency set for the class. The Commission thus provides for that vital distinction between advancement in pay, due to length of service and increased efficiency in the performance of unchanged duties, and promotion, due to the assignment to higher duties.

Legal Determination of Specifications and Rates.—The Commission proposed that its specifications and salary ranges should be submitted to Congress and, with such amendments as the Congress might make, should be written into law. It never seriously considered recommending that Congress delegate to any administrative agency any of its present power over salaries. Its furthest recommendation in this direction was that if a new position should be created that could not be classified under the existing classification, the Civil Service Commission should by order prescribe the qualifications, duties, and rates of compensation for the additional class, with the proviso that the rates of compensation should be in harmony with those established for comparable classes and that the Commission as soon as practicable should report its action to both Houses of Congress. The rates thus established would be in force until and except as altered, amended, or repealed

by law.[1] This power, it will be observed, is far less than that now delegated to administrative officers under lump sum appropriations and specifically provides for publication and for an immediate report to the Congress.

Installation of Classification.—After a classification establishing standard specifications and fixing standard salary ranges has been adopted by legislative or administrative action, the next step is to put it into actual operation. The main task here is to say, in respect to each position, exactly where it falls in the classification on the basis of the duties which it involves. When its duties are identified with the appropriate standard description of duties, its class and title are fixed and the range of salary that is to be paid the position is automatically determined. Two terms have been used to describe this process, "allocation" and "appraisal." The Reclassification Commission preferred "allocation."

The initial allocation to the appropriate class, according to the recommendations of the Reclassification Commission, would be made by the Civil Service Commission, which would submit its designations to the department or independent establishment involved, for criticism and review. The department would either accept the allocation to the class as made by the Civil Service Commission or would secure a hearing before that body for reconsideration. Final authority over allocation would rest in the hands of the Civil Service Commission.

After the class into which the position belongs has been determined, the remaining point is to fix the exact salary rate, within the range established for the class, which shall be paid to the particular employee. Up to this point the classification processes are concerned with the position as distinct from the employee, but here the individual is taken into consideration. What is his length of service and what his efficiency? Under the bill proposed by the Commission the heads of the departments, subject to the approval of the Commission, would determine the exact rate to be paid and would certify their

[1] Report of the Reclassification Commission, Part I, p. 137.

findings to the Commission together with the facts upon which they are based.

Current Administration and the Classification.—No matter how comprehensive and definite the specifications, how just the salary scale, and how accurate the allocations, a classification cannot be made self-operative. To some agency or agencies constantly at work must be given the task of seeing that the actual personnel administration is in harmony with the classification and that the classification and the salary ranges are well adapted to meet conditions, not as they were when the fundamental classification legislation was adopted, but as they are at the moment. The problem is dynamic, and little progress can be made through legislation that treats it as static. The Reclassification Commission clearly recognized the imperative need for a central administrative agency, and being adverse to the creation of any new one, it recommended that the Civil Service Commission, enlarged and improved, be charged with the duty of administering and enforcing the classification and with the responsibility of recommending to Congress changes in the established specifications and salary ranges.

The Commission's recommendations in respect to the administration of the classification were not based on any careful analysis of the ideal distribution of functions among the different governmental agencies, now existing or properly to be created, which are concerned with the various aspects of classification. At the time it was preparing its report, many people regarded the prospects for the creation of a Bureau of the Budget and the adoption of a sound method of financial administration as fairly remote, and naturally the Commission did not wish to submit a report that would make reclassification contingent upon budgetary reform. Budget reform, reorganization, improvement in business practice, and reclassification are all necessary processes in putting the government on a business basis and they are closely interrelated. The Commission, however, probably very properly, interpreted its mandate from Congress as giving it jurisdiction over only one of them and it framed its recommendations so that they

would make classification effective with the least possible change in matters only indirectly related to personnel administration.

The classification proper, as recommended by the Commission, is unquestionably based on sound fundamental principles, and the Commission's general attitude in salary fixing was apparently eminently practical. No one would attempt, of course, to say that the classification is free from errors in detail and that there are no inconsistencies and inequalities in the salary scales. The Commission itself said, "The task assigned to your Commission by the Congress was the largest of its kind ever undertaken, and your Commission is not suffering from any illusions as to the degree of perfection attained." The errors and inconsistencies, such as they may be, however, are in details which may be easily amended and corrected, and it would unquestionably be a distinct step in advance if such a classification, amended and perfected in the light of the detailed criticism which has developed since its publication, should be adopted for the government service.

Such a broad endorsement of the classification proper and of the general attitude of the Commission in respect to salary fixing, however, does not imply an endorsement of the recommendations of the Commission respecting its administration. At a time when the entire question of the administration of government is being reviewed, it would be well for the Congress to approach reclassification as one of several related reforms and to make it as nearly as possible ideal rather than to attempt as did the Reclassification Commission to make it fit the existing system with the least amount of change in procedure.

Classification and Appropriation Technique.—A fundamental question which the Reclassification Commission report does not squarely face is the relationship between the classification system and the appropriation acts, a question which in its broader aspects is in reality, "What control shall the Congress exert over the expenditures for personal services?"

The classification could be applied to existing lump sum

appropriations without any radical modification of the present practice. The administrators, in submitting their estimates of the needs for the following year, would use in their detailed supporting statements the standard terminology of the classification, and the standard salary rates instead of the present undefined terminology and unstandardized rates. The administrators would be no more bound to follow the plan indicated in their supporting statements than they are at present, but if they departed from that plan, they would have to do so within the terms of the classification. Herein lies the marked difference between the two systems; the present one is one of uncontrolled lump sums whereas the proposed one would impose control through the classification.

Difficulty would be encountered in applying the classification under the existing statutory system, because classification would deprive it of the little elasticity it now possesses. The administrator, though hampered in the conduct of his work by the rigid prescription of the exact number of positions he may have and the exact salary he may pay, manages to get along under the system because he is practically free to attach to any position any duties he may choose. If the appropriation act fixed the duties too, he would be bound absolutely by a law adopted several months in advance of the beginning of the actual performance of the work.

The validity of the objection to a detailed duties classification, that it is inapplicable under a strict statutory system of appropriating for positions, depends in no small measure on the real value of that type of appropriation. In favor of it, the point is made that it gives Congress control over the expenditures for services. Attention should be called to the fact that it gives control to Congress over the salary the administrator shall pay for a position but it gives Congress no control over what kind of services the administrator shall get for the money. For its proper administration it requires that the Congressional committees each year shall go into the work of each office in fairly minute detail and have a thorough understanding of its precise situation, something

for which the committees have no time and which, if they should attempt, would get them so lost in detail that they never would clearly grasp the larger issues. Not having time to do the work thoroughly, the committees are inclined to approve what was done last year with slight modifications, whereas what really may be needed is a radical revision of the whole situation. The Congress exercises rigid control but does so more or less perfunctorily.

Whatever may be the opinion of members of Congress in respect to the value of this particular type of control, the almost universal opinion among administrators and other government employees is that it is at present one of the main impediments to good administration. Under it personnel administration degenerates into a mere game of keeping all the statutory positions filled all the time. From month to month the number of employees does not vary with the load which the office is carrying. Failing to fill vacancies in a lull does not leave more money available to meet periods of pressure. Any money saved by not filling vacancies reverts to the Treasury and it is a more or less generally accepted axiom of the game that if money is turned back the fact will be used as evidence that the appropriation is too large. The tendency, therefore, is to develop the statutory staff to the point where it will carry the maximum load and to keep it at this point regardless of the real requirement of the work.

The statutory roll is peculiarly an impediment to good personnel administration, because under it salaries can be advanced and promotions can be made only when vacancies occur or when Congress creates new positions or increases salaries. The only immediate reward for the deserving and efficient employee is the moral satisfaction of having done a good job, and the hope that when a vacancy occurs his services will be recognized. If a position becomes vacant and two employees by working hard demonstrate their capacity to carry the work of the vacant position in addition to their own, they do not necessarily gain anything by it. The administrator cannot divide any part of the salary of the vacant position between

them. The statutory system offers little inducement to an employee to exert himself. When a vacancy does occur only one person of the class immediately below can be selected for it; and the administrator has to choose between several deserving people. One gets the promotion and the others are disappointed. In each grade below the vacancy, one person ordinarily gets an advancement, not because that represents a fair distribution of rewards on the basis of merit or in the interests of the office, but because that is the only course open under the statutory system. A few years under this system is deadly to many employees, for it substitutes for a normal, healthy ambition to get ahead a peculiar type of governmental fatalism. Much of the individual inefficiency in the government service is the direct result of the statutory system of appropriations.

Perhaps the greatest merit of a sound duties classification is that it would permit of the substitution of a controlled lump sum appropriation for the present indefensible statutory roll. It would likewise give control over the lump sum appropriations for services which are at present ineffectively controlled if controlled at all.

The natural question at this point is, "How is the control to be secured through the classification?" The consensus of opinion undoubtedly is that some agency or agencies must be given at least inspectional powers to see that the classification is enforced.

On first thought it might seem as if the question of whether a given position is necessary or not is really not one of classification. The Congress, however, will doubtless take the position that some device must be created to prevent the development of top-heavy organizations with too many high positions and not enough low ones. A weakness of some governmental agencies at present is that there has not been a sufficient division of labor and each employee performs all the processes, both high grade and low, that are necessary to the work. As a consequence all the employees must be qualified to perform the more difficult processes. A division of

labor might permit of the employment of a relatively small number of highly qualified persons to devote all their time to the more difficult processes while a body of less well qualified assistants relieved them of routine processes. If this question is not inquired into fairly regularly, a tendency may grow up to distribute the difficult work over a large number of positions so that all the incumbents may qualify for the higher positions in the classification. The statutory roll does not prevent this defective type of organization at all, but it does prevent any large number of employees from being paid for the higher duties. To no small degree this failure to provide for any division of labor, combined with a statutory roll, accounts for the fact that in the same office one employee will be getting a very much larger salary than another for exactly the same work and that the lower paid employee may be the more efficient of the two.

At present, responsibility for proper organization and procedure rests primarily upon the administrative officers and secondarily upon the Congress, and more particularly upon its committees. The proposal is to give the function of reviewing the organization and procedure in detail to the Budget Bureau. The Budget Bureau apparently, therefore, would be the proper agency to say in the first instance whether or not a position is necessary for the prosecution of a given undertaking. Its findings and recommendations on this point, of course, would be subject to review by Congress and its committees, but it should be the agency constantly at work and adequately equipped to pass on questions of organization and management.

If the Bureau of the Budget were charged with the administration of the classification, the Congress could require that administrators in departing from the estimates underlying lump sum appropriations should secure the approval of the Bureau of the Budget. The Bureau of the Budget could by general rule give authority for the numerous minor and more or less inconsequential changes that are eminently desirable, requiring merely a report of the action taken, while it reserved

for individual consideration the departmental proposals for really major changes.

Although it would seem as if the Bureau of the Budget should ultimately administer the classification, it does not necessarily follow that it should have exclusive jurisdiction over its initial installation. Installation will be a large undertaking requiring a considerable temporary force and during the process many questions will come up requiring interpretation of the law. It will be a very different undertaking from administering the classification after it has been adopted and installed. To assign the initial installation to the Bureau of the Budget at the very outset of its career is to cause it no little embarrassment. It would also involve giving to one man authority to pass on questions that need the broader point of view that comes from a representative board or commission. One possibility that would seem worthy of consideration is that the initial installation should be made by a commission representative of the Congress, the head of the Budget Bureau and possibly of the employees, and that after the installation is completed the subsequent administration should be in the hands of the Budget Bureau.

General Summary of Classification.—In concluding this chapter on classification, it seems desirable to summarize briefly the essential features of a good system.

The first requisite is a good classification of all positions on the basis of duties and responsibilities. This classification should contain for each class of positions found (*a*) a brief distinctive and descriptive title (*b*) a concrete, definite description of the duties and responsibilities of the positions, illustrated where necessary by selected examples, and (*c*) a clear statement of the minimum qualifications for entrance. The classification should avoid in so far as possible the consolidation of positions with unlike duties into non-homogeneous grades, believed by the classifiers to be of like value, and should use as its primary unit a class made up of positions involving like duties and responsibilities, and requiring like qualifications on entrance.

The second essential is a fair and equitable salary scale, determined after a careful consideration of the various factors involved, such as (*a*) the training and skill required, (*b*) the degree of responsibility, (*c*) the salaries previously paid by the government, (*d*) the salaries paid for similar work in other employments, and (*e*) the cost of living. This salary scale should establish for all but exceptional classes, a range of salaries between a minimum and a maximum to permit of suitable recognition of length of service and increased efficiency.

The third requisite is that the classification should be installed by a central agency with an adequate staff so that there may be uniformity of interpretation in its installation in the several departments.

The fourth requirement is that a central agency with an adequate staff shall be given power to see that the administrative officers observe the classification. It should have power to classify positions. With respect to the selection of individuals to fill the positions where they are taken from within the service, it should have authority to investigate the action of administrators and to report thereon to the head of the Department, the President, and the Congress as the facts may warrant. It should have authority subject to the subsequent approval of the Congress to prepare specifications for new positions which must be immediately created and which cannot be classified in existing classes and it must have power temporarily to fix salaries for them.

The final requisite is that the Congress shall consider classes of positions as a unit and not individual positions and individual employees when it fixes salaries.

CHAPTER VIII

SELECTION BY PROMOTION FROM WITHIN VERSUS RECRUITMENT FROM WITHOUT

When the several classes and grades of work required have been defined, the compensation rates fixed, and the specific positions established and appraised, there next presents itself, in the theoretical analysis of personnel administration, the problem of determining the method of selection to be employed for filling the several positions established.

Methods of selection are basically two in number—selection from without the service, or recruitment, and selection from within the service, embracing reassignment and promotion.[1] The problem goes, however, much deeper than the mere technical choice between detailed methods. It goes to the nature of the whole personnel system. Upon its answer, as much as upon any other factor, and perhaps more, depends the attractiveness of the service, the ultimate caliber of the personnel recruited and retained, and its morale. If compensation standards be regarded as the foundation of the personnel system, the lines of promotion and the levels of recruitment constitute its framework.

[1] The distinction between reassignment and promotion, as herein used, is merely that the one does not, and the other does, imply a change in grade on the part of the employee affected. The term "promotion" is thus used, not in its loose sense as embracing every increase in compensation, but in its narrow sense, covering only advancement from one position to a higher position, the duties of which are clearly higher. It should be noted that, as used in the present chapter and throughout this volume, the term promotion embraces a change from one position to another of higher grade, whether in the same department or in another department. It is fairly common in federal personnel discussion to confine the term promotion to advancement within the lines of a particular department, bureau, or branch, and to speak of advancement not so confined as a transfer, or, occasionally, a transfer involving promotion. From the present standpoint, however, such a change, is equally with a change taking place wholly within the lines of a single organization unit, a promotion; or, if further description be needed, it may be termed a promotion involving transfer.

Case for Selection by Promotion from Within the Service. —While the question under discussion is commonly termed that of recruitment versus selection from within, it should be noted at the outset that the real choice presented is between a competition open to all, *including* those in the service, and a competition confined to those in the service. Only in the rarest instances are those already in the service barred from competing on the same terms as those outside for any position that may be thrown open to general competition; and in the federal service such a restriction is entirely unknown. The question really to be considered is thus the extent to which it may be desirable, definitely, and as a matter of policy, to restrict selection to those within the service, rather than open it to a general competition in which those in the service are obliged to compete with those outside the service.

By way of warning it should be said that the use of the term "restriction of selection to those within the service" is not intended to imply that the decision must be made irrevocably between selection from within and general competition. If selection from within has been determined upon, but upon closer scrutiny of the several possible candidates within the service it appears that none of them possesses the desired qualifications in sufficient degree, general competition, of course, may still be invoked. In a few branches of the service it will be found indeed that an ironclad rule prevails which limits selection to those within the service regardless of the opinion which, at the particular time a vacancy arises, may be held by the responsible administrative officers as to the capacity of those in the service from among whom selection must be made. At a subsequent point the condition prevailing in those services will be set forth, and the general question of the desirability of an ironclad rule of this kind under certain conditions discussed.

The obvious reason why the restriction of selection to those in the service may be urged as a matter of principle is that it increases the opportunity for advancement within the service, and still more, that it gives those in the service a definite assurance that under given conditions advancement

will come. The anticipated results in terms of a better class of personnel recruited and retained in the lower ranks, and a better morale, are obvious. Great as is the desirability, in any personnel system, of multiplying and widening the avenues for advancement to the greatest extent possible, it is especially necessary in the personnel systems of governments where at best the opportunities for advancement are not apt to be as great as in private undertakings.

Almost as important as the frequency and adequacy of the opportunity for advancement is its certainty. It is in the highest degree desirable, in a well established service, that the personnel should have a definite assurance that, unless an extraordinary reason compels a resort to outside selection, vacancies in the higher grades will be filled from within the service. Such an assurance, by making definite the vague expectation of promotion as a reward for faithful and zealous service, is of immeasurable value for working morale.

Closely allied to this, but worth mentioning specifically because so often overlooked, is the fact, already alluded to in the preceding chapter, that if advancement is certain, compensation rates, especially in the lower positions, may be kept at a lower level than otherwise without hardship, since pressure will not be present in so great a degree to increase the compensation of employees of long service who have been unable to secure advancement.

The obvious objection to a consistent restriction of selection to those already in the service is that it so severely narrows the area of selection. This is particularly applicable to the higher posts, since at this level first rate ability is in any case rare and hard to find. Unquestionably where the restriction of selection for the highest posts to those already in the service is in force, it not infrequently results in the selection of a less capable or brilliant officer than could have been found outside the service. But against the resulting loss of individual efficiency is to be set the increased efficiency, due to better morale and greater incentive, displayed by the rank and file of the service, and the intermediate officers. The knowledge that the highest

posts may be the reward of faithful and zealous service is a force making for a day-to-day productiveness often far more valuable than any results that may be achieved by the chief executives, however able, with a force but mildly interested in its work.

Again, it is arguable that, regardless of the relative efficiency of the personnel which may be recruited from without the service as against that which may be promoted from within, adherence to selection solely from within the service leads to stagnation and conservatism; that frequent, or at any rate occasional, injection of new blood into a system, particularly at or near the top, is highly desirable. There can be no questioning the force of this contention; and it is undeniable that, despite the unmitigated condemnation which has been wholly justifiably visited upon the practice of filling chief local offices with political appointees, occasionally one of these appointees, like the proverbial new broom, has swept his organization clean of mossgrown procedures and traditions which the permanent personnel, with an affection born of long association, had tenderly cherished. It may be contended that such a result is to be obtained, but with much greater frequency and certainty, by the filling of the higher posts with men from outside the service, of proved capacity and courage.

Without in any degree depreciating the force of this contention, it should always be borne in mind that the occasional injection of directing personnel from without represents a merely sporadic attempt to cure a condition which is capable of prevention. Where a proper incentive to efficiency and to progress exists throughout a service, and such central control and supervision as will expose, by periodic survey and appraisal, as well as by current contact, unprogressiveness or incapacity of the directing personnel as soon as it appears, it is perfectly possible to prevent stagnation at the top from developing; and only occasionally will conditions get to a point where there is imperative need of regeneration by one unfettered by any previous familiarity with the organization. In this view, to the extent that stagnation exists at the top in the

federal service it is chargeable to an improper system of administration in the large, and should be corrected by a revision of that system rather than by attempting, at irregular and accidental intervals, to galvanize the sluggish organism into action.

Nor should the fact be lost sight of that the stagnation of the subordinate personnel, which results from the lack of opportunity for advancement, is no less hurtful to efficiency than is stagnation in higher quarters.

The considerations reviewed up to this point have to do solely with the actual efficiency of the service. There frequently enters into the discussions of this question a consideration of another sort, however, one that has to do with the relation of the administrative personnel, as a class, to the rest of the community. The natural tendency of a system in which the rule of selection from within is accepted as a guiding principle is to make entrance to the service practicable for the most part only at or near the lowest ranks. This in turn tends to restrict entrance to those in early life; and this tendency is often reenforced, especially in Europe, by the fixing of a low maximum age limit for entrance. It is felt by many that a system of this type tends to develop an official caste—that it draws so clear a line between those who have adopted the public service as a career, and those who have not, and are consequently forever excluded from entering it, as to make of the official body a class apart from the community, irresponsive to public opinion; or even overbearing and arbitrary.

This feeling underlies the vague objection so often made to a "closed" personnel system—that it leads to a "bureaucracy." When this epithet is hurled, it is often the bureaucracy of the former German Empire, or more particularly of the former kingdom of Prussia, that is in mind. It needs no arduous study of the differences between that country and the United States in the distribution of governmental powers and in social structure to make clear that no analogy can be usefully drawn from them. The position of the official class in the Central Empires was but one phase of their peculiar system of

social and political organization. Apart from that social or political system it could not have existed.

Turning to England and France, where the distribution of political power has been upon the same democratic basis as in this country, and where the social structure also (though still possessing many of the hierarchical characteristics of German society) has been nearer our own, we find a completely "closed" personnel system which is yet in no respect a caste or a class apart. Distinct and well recognized as is the civil career in those countries, there is no apparent tendency for the civil officers and employees, as a class, to stand apart from the rest of the body, social or political, or to assume a position of undue dominance or authority in public affairs.

In view of the intangible character of the considerations just reviewed, their application to concrete conditions is by no means simple. The extent to which the restriction of selection to those in the service may properly be carried in each particular branch of the service and each class of positions presents one of the most difficult, yet most interesting, of problems in the whole field of personnel administration. The problem is to determine, for each particular position, the probabilities of finding within the service, under normal conditions, substantially as competent a person as can be found outside the service; and, if the chances are unfavorable, to decide whether the general values which inhere in the principle of selection from within are sufficient to outweigh the inferiority in the quality of the service in that particular position which the application of the principle of selection from within may entail. The guiding principle would seem to be that selection should be restricted to those in the service unless it is made to appear that a substantially better class of service will be obtained by resorting to general competition.

The actual probability of finding within the service eligible material for promotion that will compare favorably with what is available outside, will be the net resultant, of course, of the whole system of personnel administration—the success which it has achieved in recruiting good material, in retaining it, and

in developing it in service; and the determining factors will thus be not merely or indeed chiefly current ones, but will derive from practices and conditions present a decade or even a generation ago. It is thus quite possible that, were all the higher offices now filled by political appointment forthwith placed upon a merit basis, the application of the principle of selection from within the service could for some time be made to these posts only after careful examination in each instance. The very fact that there has not been, up to the present, in the federal service, an opportunity in many lines of service to rise to the highest ranks has served to deter from entering the service some of the material most eligible for promotion to those ranks, and to produce, in many branches of the service, a personnel lacking in the qualities of leadership and executive capacity. This condition, doubtless, would make it somewhat difficult for some time to apply rigorously the principle of selection from within the service.

The practicability of confining selection to those in the service will also obviously depend upon the length of time the particular branch of the service has been in existence and the rate at which it has grown. In the government at the present time are to be found not a few services which may, in the course of time, reach a condition in which substantially all the positions of advanced rank could be filled by promotion, but which have not yet attained that condition, having expanded at a rate far in excess of any possibility of supplying the personnel of advanced rank by promotion from the lower ranks. An excellent example of a service of this kind is the Bureau of Internal Revenue. The specialized nature of the work of this service and the many gradations of skill and experience which are required in its performance will make it entirely possible in the course of time, should such a course be decided upon, to recruit substantially the entire personnel of this service at three or four levels, all of them relatively low, corresponding perhaps to the titles of clerk, examiner, junior accountant, and law clerk. It will be possible to recruit at each of these grades persons with little or no previous practical experience, to in-

struct them in the work of the service, and from this force to develop by gradual promotion all the higher grades of executives, expert accountants, auditors, and lawyers that the service may require. But in the period just passed, when the service has multiplied itself manifold in the course of a couple of years, such a course would have been obviously impossible.

In view of the variable factors involved, it is manifestly impossible to dogmatize upon the extent to which selection from within should be insisted upon in any particular branch of the service, or for any particular class of positions. At each point the decision must be based upon a detailed study of the conditions prevailing and likely to prevail in each branch of the service for each class of work, supplemented when necessary by an appraisal of the caliber of the material actually available. One line of cleavage is, however, fairly obvious. On the one side lie those classes of service, and those graded series of positions, in which all, or essentially all, the equipment necessary for the higher positions is naturally and regularly obtained by the employee in his progress through the lower positions. On the other side fall those classes of service, or those graded series of positions, in which there is required for the higher positions an educational equipment, whether general or technical, and in some cases even a type of practical experience, not obtainable in the work of the lower grades. It need hardly be said that the line of demarcation between these two classes of cases is by no means clear-cut at all points. For purposes of discussion, however, the distinction is entirely practical.

With respect to those classes of service which lie clearly within the first class, the principle would seem to be wholly clear; selection from within is to be the rule in all ordinary cases. Only when extraordinary circumstances demand is recruitment to be resorted to. To what extent does this principle now find recognition in the federal service?

Existing Conditions: Positions in the Natural Line of Promotion.—Curiously enough, it is only in the unclassified service, in those two classes in which selection has been put upon a merit basis that the principle of selection from

within for positions in the natural line of advancement has received explicit recognition. In the medical corps of the Public Health Service, and in the Diplomatic and Consular Service, in the one case by statute, in the other by executive order, selection from within is made the invariable rule, from which the administrative officers may not depart.[1]

Over the remainder of the unclassified service, there exists no formal basis of selection whatever. No statute or executive order controls the discretion of the administrative officer in making his choice between recruitment and selection from within. The same is true, needless to say, of the classified positions in the excepted or non-competitive classes. In respect to the classified competitive service, the civil service act gives no recognition whatever to the principle that, other things being equal, selection from within is to be preferred to recruitment. No provision of the act is designed to limit the freedom of the appointing officer in this respect.

Public Health Service.—In the Public Health Service, the statute[2] provides that original appointment to the commissioned medical corps shall be only to the rank of assistant surgeon, and that an assistant surgeon can be promoted to the next grade—that of passed assistant surgeon—only after four years' service. While the speed with which a passed assistant surgeon may be advanced through the successively higher grades is not restricted by statute, the intent of the provision is, of course, to establish a graded system with appropriate periods of service in each grade before advancement to the next; and the regulations which have been promulgated by the President on this head so provide.[3]

[1] In the case of the Diplomatic and Consular Service the appointing officer is nominally the President and the executive orders which he has issued governing that service might be regarded, therefore, as being merely for his own guidance. Since the selection is, however, as set forth in a subsequent chapter, actually out of his hands, it is from a practical standpoint correct to regard the executive orders in question as constituting a limitation on the discretion of the State Department.

[2] Act of January 4, 1889, 25 Stat. 639.

[3] The periods of service required in each grade by these regulations for eligibility for promotion to the next grade are as follows: service as assistant surgeon, four years; as passed assistant surgeon, eight years; as surgeon, until a vacancy occurs above.

Assistant surgeons and passed assistant surgeons must pass a written and physical examination before they can be promoted. If they fail in the first examination they are given a second one at the end of one year. If they fail in the second examination they are reported to the Secretary of the Treasury as not qualified for promotion and their resignations are requested. Vacancies in the grade of senior surgeon are filled according to seniority after a review of the officer's record and a physical examination. Assistant Surgeons General are in charge of the divisions of the Service at Washington. They are selected by the Surgeon General and detailed from the regular commissioned personnel. The detail is for four years, after which they may be again detailed for four years; after the expiration of the second detail they are not eligible for a third detail unless they shall have served four years at some other duty. At the expiration of their detail they return to the grade and number they would have occupied if not assigned as chiefs of division. The position of Assistant Surgeon General at Large is filled by the appointment of an officer who has served as Surgeon General or of a senior surgeon according to seniority, after a physical examination and a review of the officer's record while in the service. The Surgeon General is one of the officers who is appointed by the President.

Specifically, the present statute makes it impossible for the Service to bring into its regular commissioned personnel a specialist of standing, however desirable or necessary his employment might be. The statute does not indeed prohibit the employment of such a physician by the Service; in fact, physicians are appointed attending specialists, or acting assistant surgeons, but they stand outside the regular medical corps of the Service and are not eligible for promotion within its ranks.[1] Whether this condition, to date, has ever proved an embarrassment to the Service is not known; but even if it has not, the

[1] In 1918 Congress authorized the creation of a Public Health Service Reserve, to which physicians may be commissioned in any grade. (Act of October 27, 1918, 40 Stat. 1917.) On June 30, 1920, there were 438 reserve officers on active duty.

statutory rule should never, in a matter of this kind, be so absolute.

The statute in question has been in force for about 25 years; so that all the present higher personnel of the service has thus been selected by promotion from within. The recognized efficiency of that personnel would make academic any discussion of the wisdom of restriction of selection to those within the service as a general policy, even if such discussion were called for on principle, which it is not, since this is a type of service in which few of the objections to rigid adherence to selection from within have much force. Nevertheless it is worth pointing out that of all the services of the government the Public Health Service is by no means the one which might have been expected to be selected for the sole application, by statute, of the unalterable rule of selection from within. There would be far more reason (though such a course would by no means be inherently desirable) in filling some of the higher positions in the Public Health Service by the appointment of distinguished public health experts from without the service than in filling the highest places in the postal service, or the internal revenue service, or other cognate services, from outside.

It should be pointed out, however, that there is in the Public Health Service, a "scientific personnel" consisting of sanitary engineers, chemists, bacteriologists, zoölogists, etc. On June 30, 1920, the number of scientific employees numbered 178 in comparison with 200 commissioned medical officers. The salaries paid the scientific personnel are commensurate with those paid to the commissioned officers. The regulations provide for six classes of the scientific personnel, and for periodic promotions after examination. Appointments are ordinarily made only to the lowest grade, but provision is made for original appointment to the higher grade, if the applicant has had previous experience particularly adapting him to the special duties that he is expected to perform.

Diplomatic Service.—In the diplomatic service the principle of restricting selection to those within the service hardly may be said to have much room for application, since the posi-

tions of chief of mission (that is, ambassador or minister) are filled commonly, as already seen, by politics rather than merit, so that the highest position in the permanent service is that of diplomatic secretary of class one, of which the salary is $3,000. So far as applicable the principle is, however, recognized in the regulations of 1909, by which the system of appointment and promotions in the diplomatic service was established, by the provision (Section 3) that "initial appointments from outside the service to secretaryships in the diplomatic service shall be only to the classes of third secretary of embassy, or, in cases of higher existent vacancies, of second secretary of legation, or of secretary of legation at such post as has assigned to it but one secretary. Vacancies in the secretaryships of higher classes shall be filled by promotion from the lower grades of the service, based upon efficiency and ability as shown in the service."

Consular Service.—By the regulations promulgated by President Roosevelt in 1906, all the higher positions in the consular service beginning with the grade of Consul Class 7 (of which the salary is $3,000) [1] must be filled by promotion from the lower ranks of the consular service (embracing the two lowest classes of consuls, and consular assistants, interpreters, and consular clerks), or from positions in the Department of State. These regulations are less drastic in their exclusion of the possibility of filling the higher posts from without the service than are those governing the Public Health Service; for the permitted entrance levels are higher, and, what is more important, no requirement is fixed of a given length of service in any given grade before promotion. The regulations, therefore, do not on their face prevent the entrance of a person into one of the lower consular ranks, or into the State Department, and his very speedy elevation by "promotion" to one of the highest grades in the consular service, a procedure which might preserve the appearance but would grossly violate the principle

[1] Or under a recent amendment to the statutes and consular regulations, beginning with the grade of vice-consul *de carrière* of Class II of which the salary is $2,750.

of promotion as opposed to recruitment. Despite the absence of regulations, however, the tradition is well established, and has not been departed from in recent years, that promotion to a higher rank shall come only after a measurable length of service in the rank next below and in due course.

It will be noted that in both the services just discussed, the recognition of the principle of selection from within has taken the extreme form of a mandatory rule, admitting of no exceptions, even under extraordinary circumstances. Generally speaking, the incorporation of any principle of personnel practice in an ironclad rule, which can be departed from, if at all, only with the greatest difficulty, is manifestly undesirable. It is almost always better to restrict the statute or binding regulation to a mere enunciation of the principle, leaving some discretion in its application in the hands of the central personnel authority. The principle of selection from within is no exception to this rule. Only in the very clearest cases would it seem desirable to enact that principle in a form beyond the reach of the ordinary processes of personnel administration.

In this view, even an executive order would seem too unyielding a form for this purpose; while its incorporation in statute is manifestly wrong. Whatever may be thought of the wisdom of applying the principle of selection from within so rigorously to the Public Health Service, there can be no question that the enactment of that principle by statute, leaving no possibility of any departure from the rule except by special act of Congress, is improper.

Coast and Geodetic Survey.—The appointment of the commissioned officers of the Coast and Geodetic Survey by the President, by and with the advice and consent of the Senate, was first provided for by the Act of May 22, 1917,[1] which stated that "no person shall be appointed aid or shall be promoted from aid to junior hydrographic or geodetic engineer or from junior hydrographic or geodetic engineer to hydrographic or geodetic engineer until after passing a satisfactory mental and physical examination conducted in accordance with

[1] 40 Stat. 88.

regulations prescribed by the Secretary of Commerce, except that the President is authorized to nominate for confirmation the assistants and aids in the service on the date of the passage of this act." While this act does not state specifically that original appointment must be to the lowest grade, it accomplishes this by indirection by providing for appointment in the higher grades through promotion from the lower ones. The regulations provide that an aid, the lowest rank in the commissioned service, shall be appointed by promotion from the position of junior engineer, deck officer, or observer, who are "appointed by the Secretary of Commerce from a list of eligibles established by competitive examinations conducted in accordance with the rules of the United States Civil Service Commission."

Examining Force: Patent Office.—Though legal provision for selection by promotion has been made in only the three services mentioned, this method had been firmly established in a number of other services through tradition. In perhaps no service within the federal government or elsewhere is the principle of restricting selection to those within the service more rigorously adhered to than in the case of the examining force of the Patent Office. For many years it has been in general the custom for every member of that force, to enter the service as an assistant examiner of the lowest grade, all positions in the higher ranks, up to the rank of examiner-in-chief, being filled by promotion from the rank next below. Yet nothing in any statute, departmental order or even office order prevents the appointment of a person from outside the service to any grade in the examining corps that the Secretary may desire. In recent years the tradition of restricting selection to those in the service has been extending itself to the positions of examiner-in-chief, which are presidential positions, and is even beginning to give promise of extension to the offices of Assistant Commissioner and Commissioner.

Postal Service.—The postal service is perhaps an even more remarkable instance of the consistent observance of the principle of selection from within, resting on tradition alone.

By tradition the postal service has but a single level of recruitment—the lowest. Aside from the postmasters of the first, second, and third class offices, who were, until recently, all political appointees, and aside from the chief positions in the department at Washington, all postal officers enter the service as clerks or carriers. Curiously enough, in his order of March 4, 1917, establishing the system of competitive selection for presidential postmasters, President Wilson gave no recognition whatever to the principle of selection from within; establishing instead a system of open competitive examination.[1] No reason has been given officially for the adoption of the open competitive rather than the promotional method for these posts. The position of assistant postmaster, a position which is in the larger cities far more difficult and responsible than that of postmaster in the great majority of post offices, has now for some years been filled by promotion from within the service; and the important and responsible position of division superintendent of railway mail is likewise so filled. The recognition of this principle in the selection of postmasters thus would not have involved, except in the case of the larger cities, any real raising of the level to which competitive employees might rise. So long as the four-year tenure remains in force, it would be difficult, of course, to secure the wholehearted competition of many of the most capable of the permanent employees; for some would hesitate to take the chance of being dropped at the expiration of the statutory term. The same difficulty is present, however, in securing the competition of the best qualified persons outside the service. The President, therefore, pending the enactment of legislation placing all postmasterships in the non-presidential class, with indefinite tenure (thus making them a part of the classified competitive service), should convert the present system of open competition for postmasterships to one of promotion.

The view here taken differs from that of the National Civil

[1] Moreover the nature of the tests and standards which have been developed by the Civil Service Commission for the conduct of examinations under this order have not been such as to give any advantage to those with experience in the postal service.

Service Reform League, or at least of its officers. In a letter to the President, written in 1919, called forth by certain rumors then current as to pending changes in the system of selection for presidential postmasterships, the officers of the League said:

> Objections lie against the promotion to the important office of Postmaster without examination of an employee within the department. The fact that there is no promotion system worthy of the name in the federal service is not a valid reason why the executive should acquiesce in the free selection from within the service to an office of the responsibilities of presidential postmaster. Here again the proposed change would subject the President and the Postmaster General to importunities from Senators, Congressmen, and organizations of employees for the appointment of particular individuals.[1]

To follow this reasoning is difficult. The system of promotion from within is now applied and for some years has been applied to positions in the postal service far exceeding in importance the position of postmaster at many, if not most, of the presidential offices. The League has never taken exception to this system of selection, except in so far as it has taken the general position that some system of promotion should be devised not only for the postal service, but for the federal service as a whole which would make certain the elimination of political considerations in promotions. Consistency would seem to require that the same position should be taken with respect to presidential postmasterships. They are peculiarly positions to which the subordinate postal employees should be able to aspire. The correction of present conditions is not to be sought in the application of open competition where promotion is appropriate, merely because the present procedure in open competitive examination affords better protection against improper influences than does the present procedure in promotion. The remedy lies rather in the development of a procedure in promotion that is adequate.

Nor is it entirely certain that even without any further

[1] *Good Government*, vol. 36, p. 15.

development of the promotion procedure, the result apparently feared by the League would ensue. It is not generally understood to be the fact that under present conditions the selection of assistant postmasters or superintendents of mail or delivery in the larger post offices is to any important extent the subject of solicitation or importunity by Congressmen or organizations of employees on the part of particular individuals. It is difficult to see why these elements should be any more active in the case of presidential postmasters once those positions are placed upon a merit basis. The fact that the confirmation of the Senate would be required for the promotion of a postal employee to a presidential postmastership may indeed be advanced as a reason why such a result should ensue. It is believed, however, that with a promotion system properly safeguarded as in the open competitive system now in force, the confirmation of the Senate would become a mere formality. So far as the available evidence indicates, no attempt is now made by the Senators in whose hands the confirmation lies to intervene on behalf of any one particular individual.

The Civil Service Commission, in successive annual reports, has gone on record as favoring the selection of all "presidential" officers on a merit basis. One of the principal considerations urged by the Commission has been that unless this action is taken it is impossible to make the service a "career," which would seem to imply that once the positions in question were placed upon a merit basis they would normally be filled from within. Respecting postmasterships, however, the Commission, in a recent public statement,[1] has taken the position that "there should be no iron-bound rule that all positions of postmaster should be filled through the promotion of subordinates. In the opinion of the Commission such a policy would not be in the best interests of the service and would not be sustained by public sentiment."

[1] Letter to the *Washington Evening Star*, February 18th, 1920, commenting on an article relative to the filling of the postmastership of Boston by open competitive examination, and the barring of the assistant postmaster from the examination because of failure to meet the "experience" requirement.

The position has already been taken in the foregoing pages that an "iron-bound" rule requiring the filling of higher positions through the promotion of subordinates is appropriate only in very few cases. It would be difficult, however, to find a class of positions to which such a rule could more properly be applied than the position of postmaster. The position is one which, in the nature of the case, cannot require a person with a specialized knowledge or experience obtainable only outside the service itself. On the contrary it is only within the service itself that the specialized knowledge and experience required can be obtained. If, then, the service is unable to develop among its enormous resources sufficient executive ability to be equal to the demands of even the largest post offices, the difficulty is with the system of recruitment, compensation, assignment, promotion, etc., and these radical difficulties, which would reflect themselves through the whole personnel of the service, at all levels, could be ameliorated in no appreciable degree by the selection of a postmaster from time to time from without the service.

In point of fact, despite the low level to which recruitment to the postal service is confined, despite the wholly inadequate compensation standards which have obtained in recent years, and despite the failure to provide sufficient opportunity for the subordinate administrative personnel to gain experience by progressing from smaller to larger offices, there is no warrant for believing that even at the present time sufficiently good material cannot be found in any of the larger offices to make the resort to general competition for the position of postmaster necessary.

The restriction of recruitment to the postal service to the grade of carrier or clerk is believed to be undesirable in that it affords no opportunity for the entrance into the service of recruits of better educational equipment than are ordinarily likely to enter the positions specified, resulting in a smaller amount of suitable material for promotion to the higher administrative posts. This aspect of the matter will be considered in a subsequent section of this chapter in connection with a con-

sideration of the general question of the proper levels at which recruitment should be permitted. Here it need only be pointed out that if the lowness of the entrance level in fact does provide insufficient administrative material, the deficiency may be made up by resorting to open competition for some of the subordinate administrative posts rather than for the very highest administrative posts in the service—those of postmaster.

War and Navy Departments.—A special phase of the problem of selection from within presents itself in the case of the War and Navy department. Here is found a condition in which the advancement of the personnel is checked at a given level, not merely relatively, as it is by the resort of general competition, but absolutely by the filling of all the higher administrative posts by the designation of military and naval officers. Since entrance to the officers corps of either of these services is impossible in peace times except through the regular course of training early in life at the military or naval academy,[1] or through original appointment to the lowest grade after examination, the system of filling important administrative and technical posts in the staff branches of the military and naval establishments with military or naval officers necessarily results in an absolute stratification of the service.

The question is presented, therefore, to what extent this system, so pernicious from the standpoint of personnel administration, is justified by the needs of the military and naval establishments. Properly to answer this question would involve a consideration of the whole theory of military versus civilian functions in the conduct of these two establishments. Some go so far as to assert that all functions of purchase and supply, from the point of initial estimating and planning to the point of actual delivery to the depots maintained by the forces in the field, are essentially civilian in their character, and

[1] In both the Army and Navy the medical and dental officers are excepted from this statement and in the Navy Department the so-called pay officers, who have to do with supplies and accounts, are likewise to be excepted. In all these cases, however, the tradition of entrance at an early age into the lowest rank and advancement only by gradual promotion through the grades is maintained, so that for the present purpose the result is the same.

that no necessary purpose is served by treating these functions as a part of the business of the military establishment. Those who hold this view would create a distinct civilian organization for those functions and thus solve at one stroke the personnel problem here under discussion, though, needless to say, the solution of this problem is the least of the advantages which these advocates urge for their proposal. Without necessarily accepting this radical view, it seems clear that certain at least of the functions now performed by the military establishment could properly and profitably be placed upon a civilian basis.

Civilian Engineers: War Department.—Particularly would this seem to be the case with the civilian engineering work now carried on under the direction of the Chief of Engineers of the army, a field in which the personnel question here involved presents itself with especial force. These engineering operations, which as is well known have to do principally with river and harbor works (though embracing also the work of coast fortifications), are conducted upon a district basis, the country being divided for that purpose into 50 districts. The chief officers of each district organization are army engineers, and it was long the tradition that no civilian member of the force could ever rise to the position of engineer in charge of a particular operation or work; but this tradition was greatly weakened during the war owing to the demand for the services of the army engineers in active military duty. It is needless to point out that the best civilian engineers will not enter or remain in a service in which the door of promotion is closed so early and so absolutely. Numerous proposals have been made, running back into the eighties, and one is pending in Congress as these lines are written, for relieving the army engineers of responsibility for this purely civilian engineering work by the creation of a department of public works or some similiar civilian agency. With the more general arguments in favor of such a course the present volume is not concerned, but its advantages from the standpoint of personnel administration are obvious. These proposals, it should be noted, do not of

necessity imply that the employment of army engineers for this civilian engineering work of the government is to be discontinued. They mean simply that the work would be upon a civilian basis, and that army engineers when employed in that work, while remaining members of the military establishment, would be regarded as on detail to the civilian department and as having there only civilian status.

Even if it be assumed, however, that the responsibility for civilian engineering work should remain with the army engineers, and that it will always be necessary to operate certain of the staff functions upon a military rather than a civilian basis, the alternative presents itself of modifying the present system of selection of officers to the extent of permitting the commissioning in appropriate rank of civilians who by long service in these staff branches of the military and naval establishments have equipped themselves for administrative responsibility. Needless to say, this method was resorted to on a large scale during the war, and no small number of officers thus commissioned have been retained as part of the permanent establishment. The method should now be made a normal, instead of merely an emergency, one. Its adoption will require, of course, a break with the old tradition that any army officer must be regarded as qualified and available for any kind of administrative duty; but this tradition has always been an absurdity from the standpoint of personnel administration, and has unquestionably resulted in enormous waste and inefficiency in the military establishment itself. There is no reason why the officers' corps of the army should not be recruited and maintained, at least in part, so far as the staff positions are concerned, upon the theory that obtains in every other type of organization, namely, that the best results are secured through the development of specialists and their constant retention in the work in which they have specialized.[1]

[1] Incidentally it may be pointed out that the traditions of the Army and the Navy have differed widely in this respect at certain points. Particularly has this been so in connection with the officers concerned with supplies (other than ordnance and cognate material) and accounts. In the Navy these officers have been recruited as a separate class, have not been instructed in naval science, and have been constantly kept at work

Attitude of Civil Service Commission.—It might be assumed that, in a matter of such vital and fundamental importance, the Civil Service Commission, by securing the promulgation of appropriate rules by the President, would have remedied this major omission of the civil service law. But such is not the case. The civil service rules are equally silent upon the point. The Civil Service Commission from the beginning has taken the position, wholly indefensible from the standpoint of the interests of the personnel system as a whole, that the decision to resort to general competition for the filling of a position lies wholly in the hands of the appointing officer.

The failure of the Commission to take any interest in this matter as one concerning the personnel system generally is all the more remarkable in view of the position which it has assumed with respect to transfers from one department or establishment to another. By the civil service rules (Rule X, 1) no transfer may be made to any position in the competitive service "above the lowest class in any grade" [1] unless the appointing officer certifies that the position cannot be filled adequately by promotion. The reason for this rule was stated by the Commission at the time of its promulgation to be that "injustice is done when a person is brought into a department over the heads of those deserving promotion." [2] It need hardly be emphasized that the injustice is far greater when the person so brought in comes, not from another branch of the

along their chosen line. In the Army, pursuant to statutory requirements, the Quartermaster's Corps, as the officers of this class have been termed, has been recruited by a system of four-year details of regular officers of the line. It is at least an interesting speculation whether the admitted superiority of the administration of the naval establishment in the matter of supplies during the war was not in a measure attributable to the superiority of its personnel theory in this field.

[1] The terms "class" and "grade" are used in this rule in senses which seem precisely contrary to their ordinary uses, and to their use in this volume. The civil service rules (as well as the law itself) suffer in clearness at not a few points because of the lack of any standard nomenclature in personnel matters. It is to be hoped that the reclassification of the employees in the District of Columbia now under consideration will begin an improvement in this respect.

[2] Twenty-first Report of the United States Civil Service Commission (1904), p. 15.

service—where the excellence of his work, the length of his service, or the absence of opportunity for further advancement there may make him even more deserving of consideration from the service than those over whose heads he is brought in—but from outside the service. It would seem then that the very least the Commission could do in consistency would be to recommend to the President a rule providing that no position should be thrown open to general competition unless the appointing officer certifies that the position cannot be filled adequately by promotion.

But undoubtedly it should go much further. Especially since selection by open competition is peculiarly the Commission's own province, and it may be expected to have expert knowledge of the results likely to follow from the use of that method in any case, the Commission, under the rule, should reserve to itself the right to say finally whether open competition should be resorted to, or selection from within insisted upon. Such a rule is already found in several states and municipal jurisdictions, and is believed to have worked well. Were such a policy adopted and consistently enforced by the Civil Service Commission or other central personnel authority, it might shortly develop the highest value in an altogether different direction—that of facilitating the elimination of politics from selection. Were the President, without changing the classification of excepted positions, to extend the proposed rule to them (including positions excepted by statute as well as by the rules) the result would be forthwith to establish the merit tradition for those positions. If the appointing officer could secure the consent of the Commission to fill the excepted position from outside the service, he would still be wholly untrammeled, of course, in his choice, as now; but the mere fact that he had been able to secure the right to appoint in this way only on the strength of a representation that the interests of the service demanded it would be a powerful moral influence making for a reasonably meritorious selection. If, on the other hand, the Commission declined to permit selection from without, or the appointing officer failed to request it, the person

selected from within the service would promptly come to enjoy substantially a competitive status, whatever his legal status.

The policy contended for might even be applied, with modifications, to presidential positions. The Civil Service Commission, of course, could not control the discretion of the President as to the method of selection to be employed by him for these offices, but he could require the Commission, perhaps acting in consultation with the head of the department, to recommend to him the method to be employed. The recommendation of the Commission unquestionably would shortly acquire a strong moral force.

It is not intended in the foregoing to propose that the Commission should intervene in this way in every individual case in the personnel system. In most services and at certain points in every service, it is entirely feasible to determine upon the basis of experience a general policy of either restriction of selection to those within or of resort to general competition, and no participation of any central personnel authority is necessary in these cases when the general policy defined is observed. In this area, only the departures from the general policy require approval or check by the central personnel authority. At other points, however, owing to the relative infrequency of vacancies and the relatively small number of those within the service from among whom selection is possible, it would be unwise to attempt to define in advance any general policy. Here the best results will be obtained if each vacancy as it arises is made the occasion for a separate decision as to the method by which it shall be filled; and it is in these cases that the responsibility of the central personnel authority enters. In some cases doubtless only by an examination of the available material for promotion will the Civil Service Commission be able to satisfy itself that the proposal of the appointing officer that general competition be resorted to is justified; and if the result of such examination is adverse to the contention of the appointing officer, it has had the value of making certain that whatever person the appointing officer does appoint is sufficiently qualified. In other cases, without

formal examination, a mere appraisal of the available material within the service, based upon their service history and past performance, will be sufficient to enable the central authority to decide if resort should be had to open competition.

Attitude of Reclassification Commission.—The recommendation of the Reclassification Commission on this head would seem to go even further than is here proposed. The Commission recommends "that when vacancies in the higher classes are not filled by transfer or reinstatement, they be filled by promotion of properly qualified employees as determined by competitive civil service examination, and that ordinarily open competitive examinations for the filling of such vacancies be held only when three such eligibles cannot be secured from those already in the service." [1]

In the absence of any central requirement of the character here contended for, it might be anticipated that the principle of selection from within had received but scant observance in those branches of the classified service in which it is applicable. In point of fact, however, despite the absence of any statutory or other central requirement, and despite, too, the absence of any definite or clearly expressed policy, in the departments themselves, the principle of restricting selection to those within the service has been very generally followed in the classified competitive service.[2] This existing tendency to select from within, however, has been restricted generally to selecting from among the employees of the organization unit in which the vacancy occurs or from the employees of adjacent organizations. The precise limits of the area of selection form the subject of a subsequent section.

It need hardly be added that this characteristic of the existing situation is subject to many, and in some cases important, exceptions. Since existing practice has been determined wholly by departmental action, usually of an informal kind, it has varied not a little from service to service and from time to

[1] Report of the Reclassification Commission, Part I, p. 124.

[2] As already indicated in a preceding chapter, the exception of a position from competition, whether by rule or by statute, has generally meant that it will be filled by the appointment of one outside the service.

time. Moreover, settled traditions may be discerned in any case, of course, only in those services which are well established. Recent years have witnessed the creation of a number of new services and organizations in the government, and in recruiting for these services the great majority of positions have necessarily been filled from outside the service. There thus exists in these services as yet no well defined tradition on this head; nor in the case of any of these services that has come to attention has the problem been grappled with in advance and a policy formulated and promulgated.

Central Control of Selection by Promotion from Within.—In view of the prevalence of the practice of recruitment from within by a process of promotion, the question of the means employed for the selection of employees to be advanced is one of importance. The framers of the civil service act unquestionably intended that there should be some control in respect to this matter. The act thus lays down the basic principle that "no person shall . . . be promoted . . . until he has passed an examination or is shown to be specially exempted from such examination in conformity herewith." (Sec. 7.) [1] Commenting on this provision the Civil Service Commission in 1899 pointed out that "No classified clerk or employee who is not *specially* exempted in conformity with the provisions of the act can legally be promoted without examination. In other words, exemption from examination for promotion is not intended to be made general. The intention of the law is that to be eligible for promotion to any class or place the applicant must have shown fitness on examination appropriate for the class or place." [2]

The Commission went on to point out, however, that despite the manifest intention of the act, up to that time it had not been found feasible to give it practical effect; [3] and the

[1] It will be observed that there is no requirement that the "examination" provided for be *competitive*.

[2] Sixteenth Report of the United States Civil Service Commission (1899), p. 102.

[3] In its first report, in 1884, the Commission said that the need of caution in making great changes which a new system involved, and the fact that the Commission had too much work at the outset, were per-

same or other difficulties appear to have persisted down to the present time.[1]

haps in themselves adequate reasons for not dealing at once with the difficult subject of promotions. In the second report it is stated that the observations of another year had shown more conclusively the need of interposing some examination or test, both to secure to the most meritorious their proper claims to advancement as opportunities occur, and also to shut out the solicitations and influence of outside parties from securing or attempting to secure promotions without merit. It added that it had become obvious that notwithstanding the difficulty of devising a system which should give merit its just reward, and should yet leave the appointing officer his full right and responsibility for his office, some rules upon the subject of promotion by examination ought to be promulgated at the earliest day practicable. In its third report the Commission again stated the need of promotion rules and the reasons for failure to provide such rules.

[1] For the first thirteen years of the operation of the act, even the requirement of the act that there should be examination for promotion in all cases not specifically exempted was not observed. By the rules adopted May 6, 1896 (Rule XI, Clause 4), however, the Commission was instructed to promulgate regulations governing promotion, the rule declaring that "Regulations to govern promotions shall be formulated by the Commission after consultation with the heads of the several departments, bureaus, or offices. It shall be the duty of the head of each department, bureau, or office, when such regulations have been formulated, to promulgate the same, and any amendments or revocations thereof shall be approved by the Commission before going into effect."

The rule, however, fixed no time limit within which such regulations were to be formulated. It provided that "Until the regulations here authorized have been approved for any department, bureau, or office in which promotion regulations approved by the Commission are not in force promotions therein may be made from one class to another class which is in the same grade, and from one grade to another grade, upon any test of fitness, not disapproved by the Commission, which may be determined upon by the promoting officer," thus leaving the matter virtually in the same situation as it had been in previously. But several provisos were annexed to this rule, the observance of which would have meant a very considerable participation of the Commission in the process of promotion. They were as follows:

"Provided, That no promotion of a person shall be made, except upon examination provided by the Commission, from one class to another class, or from one grade to another grade, if for original entrance to said class or grade to which promotion is proposed there is required by these rules an examination involving essential tests different from or higher than those involved in the examination required for original entrance to the class or grade from which promotion is proposed: *And provided further*, That no promotion of a person shall be made, except upon examination provided by the Commission, to a position in which, in the judgment of the Commission, there is not required the performance of the same class of work or the practice of the same mechanical trade which is required to be performed or practiced in the position from which promotion is proposed; but a person employed in any grade shall not, because of such employment, be barred from the open competitive examination provided for original entrance to any other grade; *And provided further*, That no promotion of a person shall be made to a class or grade from original entrance to which such person is barred by the age limitations prescribed therefor or by the provisions regulating apportionment."

No procedure was provided, however, for the bringing to the at-

Under the revision of the rules made in 1903, and still in force, provision is made for the promulgation of regulations governing promotion. Such regulations have been made, however, only for a small and irregular area of the service,[1] so that over almost the whole of the service, practice is governed only by the provisions of the rules, which the rules themselves (Rule XI, 2) provide are to be applied "until regulations to govern promotions are made."

These provisions, so far as they bear on the subject under discussion, are as follows:

. . . Promotions may be made upon any test of fitness not disapproved by the Commission, which may be determined

tention of the Commission cases in which promotion might be made in violation of these provisos and, in point of fact, they never had much effect.

Under the provision authorizing the promulgation of regulations by the Commission in consultation with the heads of departments regulations were provided from time to time for various classes of employees. The regulations generally provided merely that promotions should be made upon such tests of fitness as the head of the department, with the approval of the Commission, might prescribe, and under these regulations, a system of nominal examinations, purely non-competitive in character, was for some time applied in several of the departments and services.

[1] The portions of the classified service to which the Commission has actually promulgated promotion regulations as contemplated by the rules are:

Treasury Department
Mint and Assay Service
Customs Service
War Department
Ordnance Department at Large
Engineer Department at Large
Quartermaster Corps
Military Academy
Navy Department
Navy Yard Service
Interior Department
Reclamation Service
Indian Irrigation and Allotment Service
St. Elizabeth's Hospital
Department of Commerce
Lighthouse Service
Coast and Geodetic Survey (in relation to persons employed on vessels)

It need hardly be pointed out how utterly lacking in reason or consistency is the area of application of promotion regulations by the Civil Service Commission as thus outlined. In point of fact, the initiative in promulgating such regulations would seem in most cases to have come from the departments or services concerned rather than the Commission. It hardly can be said that the action of the Commission in these areas of the service has been of much more significance than its complete inaction over the remainder of the service.

upon by the promoting officer, subject to the following limitations:

. . .

(*b*) In case of promotion to a position for which the entrance tests are different the person to be promoted must first pass an appropriate examination before the Commission.[1]

Substantially the same provisions are found in the several departmental promotion regulations which have been promulgated in accordance with the rule.

The provision requiring promotion to be made "upon any test of fitness not disapproved by the Commission which may be determined by the promoting officer" is a dead letter, as promoting officers do not advise the Commission of the nature of the tests, if any, which they employ in making selection for promotion, and the Commission has consequently no basis for disapproving such tests. As pointed out in the following chapter, no tests are applied over the greater part of the service.

The essential provision is thus the one requiring that in case of promotion to a position to which the entrance tests are different from those fixed for the position which the person to be promoted then occupies, he must first pass an appropriate examination before the Commission.[2] This limitation, it will be observed, applies only "in case of a promotion to a position for which the entrance tests are different." The practical effect of this rule is to require examination by the Commission only where the proposed promotion is out of the ordinary direct line. As long as the promotion is in the direct

[1] But Section (*c*) provides that "Any employee in the classified Indian Service may, with the approval of the Secretary of the Interior, be promoted without examination to the position of superintendent of an Indian school, upon a statement of the Commissioner of Indian Affairs that the employee possesses the requisite business and executive qualifications to fill the position, and the Commission will on such statement issue the necessary certificate."

[2] Even this requirement, it should be noted, is not absolute, the Civil Service Commission having been authorized in 1907 "in its discretion, looking to the good of the service only, to waive requirements for examination and to substitute for such examinations so waived such other tests of fitness and capacity as the Commission may decide." Executive Order, November 22, 1907. This order, however, is seldom invoked. No statistics as to its use are currently compiled; but it is stated that it was employed only four times during 1919 (Memorandum of the Secretary of the Commission to the Institute for Government Research).

line no intervention by the Commission is required by the rule, no matter how much higher may be requirements which would be set on entrance examination, were one held, for the position to which transfer is proposed than for the position already occupied by the candidate for promotion.

With respect to proposed promotions from one position to another in the natural line of advancement, however wide the gap between the lower and the higher position, or between the position in which the employee promoted originally entered the service and that to which he is now promoted, promotion may be made by the administrative officer wholly without control or supervision by the Civil Service Commission.[1] Whether this condition is a desirable one is a question on which there will be a diversity of opinion. Some contend that a central control or supervision is in no case necessary—that the interest of the administrator in securing efficient service is sufficent to insure that recruitment will be resorted to where selection from within will not yield suitable appointees. At the other extreme is the view that every promotion should be subject to the visé of the central personnel authority to insure that the employee promoted is worthy of promotion.[2]

To adopt either of these extreme views is neither necessary

[1] The civil service rules (Rule X, 8, e) provide also "that where the promotion involves a transfer from one branch of the service to another the Commission shall be satisfied that the person proposed for such transfer and promotion possesses experience, qualifications, or training which are required for the proper performance of the duties of the position to which transfer is proposed and which render necessary in the interests of the service the filling of the position by his transfer, rather than by an original appointment or promotion in the manner provided by the civil service act." This rule is so infrequently applied, however, that its importance is negligible.

[2] This is the view in the regulations for promotion examination found in certain jurisdictions, in which examination for promotion is required to be held by the central personnel authority even where the number of employees eligible for examination is no more than the number, usually three, from among whom the appointing officer has, under the rules, free selection. In such a case the examination can serve no purpose other than to bar from promotion the employee who fails to pass the examination. As will be more fully set forth in the following chapter, the Reclassification Commission has recommended that a system of competitive promotion examination be set up over the whole of the federal service. It is not clear from the Commission's report whether its recommendation contemplates the holding of examinations even under the circumstances just cited.

nor desirable. Some branches of the service have such a wealth of available material that it may safely be assumed by the central personnel authority that a fully competent employee can be found for any post which becomes vacant. In respect to other branches no such assumption can be made safely, because of the small number of eligible employees, or the wide gap between one position and another, in difficulty and responsibility. What is called for, therefore, is a detailed specification by the Civil Service Commission, after careful study, of the particular positions to which promotion may be made only with its approval, such approval to be given, where the Commission deems necessary, only after examination by the Commission of the person proposed for promotion.

Were a general system of promotion examinations by the Civil Service Commission to be instituted, as recommended by the Reclassification Commission, such examinations while intended primarily as a means of selecting from among all the employees eligible for promotion the one best qualified for the promotion, would incidentally prevent the promotion of any employee not qualified as judged by the Commission's standard. The whole question here under discussion is closely bound up, of course, with the methods employed in making selection for promotion, which form the subject of the following chapter. In that chapter the view is taken that generally speaking the most practicable method of determining promotions in the federal service is to leave the determination in the hands of properly constituted administrative boards, in which the Civil Service Commission would have ex-officio representation. Such representation would manifestly furnish a complete and effective safeguard over the whole service against the promotion of the unfit.

Note should be taken here of a statutory provision aimed to prevent the promotion of the unfit which has never been given practical effect. In 1912 Congress authorized the Civil Service Commission to install in the departments at Washington a system of efficiency records, and directed among other things that the system should provide for a standard of effici-

ency failing which an employee would be ineligible for promotion. By subsequent enactment the responsibility for the establishment of the system was transferred to the Bureau of Efficiency. Because of inadequate appropriations, and for other reasons not here material, no progress worth mentioning to date has been made in the development of the system called for by the statute. It is believed, however, that even were it fully established the specific provision mentioned would be of little value. Only in the most exceptional cases, if even then, would an administrative officer attempt to promote an employee who had displayed so little capacity in the performance of his present duties as to be rated below a normal standard of efficiency.

In discussing any phase of the question of control or supervision of promotions by the Civil Service Commission, it must be borne in mind always that effective control or supervision is out of the question unless the Commission has at its disposal adequate means for ascertaining what the duties of a given position actually are. Without such means, and their capable utilization, changes in duties may be made by the operating departments without the knowledge of the Commission which are actually promotions, though in appearance mere reassignments.

Existing Conditions: Positions Not in the Natural Line of Promotion.—In every large organization and indeed in many fairly small ones, subordinate positions or groups of positions are encountered, the duties of which do not tend to fit those occupying them for any position more advanced in responsibility or difficulty or in the value of the work performed. The extent to which such positions exist in large scale enterprises is perhaps not fully appreciated by those who have not given the matter specific attention. The facile assumption is made that each employment leads naturally to the one above.

There are two factors which may cause certain positions to become "blind alleys." The first is found in positions which are concerned wholly with subsidiary or auxiliary phases of the organization's work and thus do not give to those occupying

them any knowledge or experience in the substantive operations of the organization, which is, of course, indispensable to any worth while advancement. A limited field of advancement may, and usually does exist, of course, within the particular branch of the organization devoted to such auxiliary or institutional activity; but this field is virtually negligible when considered in comparison with that presented by the operating branches.

The other factor which operates to give certain classes of positions their "blind alley" character is that of education. The advanced positions may require an educational equipment, whether technical or general, which the work of the lower grades in no wise furnishes. In the technical branches illustrations of this condition abound. A mechanical draftsman in order to qualify for the higher grade of mechanical engineer must pursue a specialized course of instruction in mechanical engineering quite distinct from and, in many respects, in no wise related to, the duties which he performs as mechanical draftsman; the mere typist who aspires to become a stenographer must pursue a specialized course of instruction in stenography and perhaps also in English; and the like is true of the laboratory assistant, who desires to become a physicist or chemist or bacteriologist, or of the clerk employed in a branch of the government in which legal services are required who aspires to become a lawyer.

Nor is the situation confined to the technical branches of education; it presents itself also, though in a more debatable way, in respect to general educational equipment. This phase of the problem presents itself particularly in connection with the filling of the higher non-technical administrative posts, but it is found also in the case of not a few technical positions of the higher grades. The service may furnish ample opportunity for the acquisition of the requisite technical information by the personnel in the lower grades; but it may be felt that the higher position requires in addition a background of general education and culture not likely to be possessed by the subordinate personnel. This particular phase of the problem,

however, will receive fuller consideration in a subsequent section.

These two factors cause the service to become stratified, with progress from one stratum to the next virtually impossible. That this condition, both from the social standpoint and from the standpoint of the morale of the service, is undesirable is too obvious to require more than mere mention. Some hold, however, that this stratification, with its blind alley positions at the end of the lowest strata, must be accepted as inherent in the modern large-scale organization, and that it is futile for the framer of personnel policies to attempt to run counter to the powerful drift of economic processes. Whatever the validity of this view, social policy demands for the public service, at least, that every effort be made to escape from this condition or to moderate it so far as can be done without undue injury to the service itself. This can be done on the one hand by enlarging the opportunity for each subordinate employee to acquire a well rounded familiarity with the operations of the organization as a whole; and, on the other, by assisting those in the lower grades to obtain the educational equipment that is required for the work of the higher.

This matter is one which hitherto has received but little attention in most branches of the federal service. The administrative officers concerned have failed apparently to appreciate its importance, though it has long been a familiar theme of discussion among industrial personnel managers and among those interested in personnel generally. The limited development which this feature has obtained in the federal service is strongly suggestive of the need already pointed out for the provision in each department and in each major organization unit of an officer specifically charged with responsibility for the development of personnel policies.

To attempt to consider specifically all the numerous points in the federal service at which the question of granting preference to those in the service for positions not in the natural line of promotion may arise, would be impracticable, and of

doubtful value, but a few of the points at which it presents itself in an important way may profitably be mentioned.

Sub-Clerical Positions.—In the clerical service, a question arises at the very lowest level of that service in respect to promotion from the so-called sub-clerical positions—positions such as messenger, storekeeper, watchman, etc.—to that of clerk. The number of clerks required in the lowest grade is so great in proportion to the number of sub-clerical employees that recruitment from outside the service must be resorted to in any case for this grade, but the question is whether promotion from the sub-clerical grade to the lowest clerical grade should be permitted in any case. When the proposal to open the clerical service to promotion from the sub-clerical was first made in 1895, it was rejected by President Cleveland, who aptly declared:

> After a good deal of consideration I cannot make myself believe that messengers, etc., should be subject to the promotions provided for. The theory of the amendment may not be amiss, but I am confident that in practice we should have in the messenger, etc., grade persons who entered it for the purpose of promotion, and who would be looking for that instead of striving to perform well the work assigned. Every messenger and every watchman, after two years' service and examination, backed and supported by Senators and Representatives, would make it very uncomfortable for the head of his Department until he obtained the increased salary he coveted; and in the meantime he would make a very poor messenger and watchman.
>
> I am certain the proposed amendments would increase the perplexities of the executive officers of the Government without any compensation in the way of better public service.

In the following year, however, he was persuaded to change his mind, and a rule was promulgated permitting such promotion after two years' service; promotion to be made by competitive examination within each department, with certification of the eligibles in the order of their grades in the same manner as for original entrance to the service. This procedure though no longer appearing in the rules, is incorporated in

the departmental promotion regulations above referred to and is still in force.

Clerical Positions.—Although the rule thus requires competitive examination, the great number of vacancies in the clerical service in proportion to the number of sub-clerical competitors makes it reasonably certain that any one who passes the examination will receive promotion to the clerical grade, so that the examination is in reality merely qualifying. The number of persons rejected by the Civil Service Commission in these promotion examinations from the sub-clerical to the clerical grade is proportionately much larger than in any other type of promotion examinations, yet it is believed, nevertheless, that many sub-clerical employees succeed in passing the examination and in securing promotion who would be altogether unlikely to pass the open competitive clerical examination with ratings sufficiently high to secure them appointment under normal conditions of supply and demand. If this be so, the present practice in permitting promotion from the sub-clerical to the clerical grades on the basis of what amounts to a mere qualifying or pass examination may be assumed to result in the infiltration into the service of under-qualified persons, at first into the lower grades and hence, ultimately, by mere seniority or the absence of better material, perhaps into an administrative post of no little responsibility. The remedy is to be found in the proposal already made, that the promotion examinations in such cases involve a qualifying standard very considerably above that required for qualifying in the open competitive examination for these grades.

Stenographic Positions.—Stenographic positions present a somewhat similar question. They usually offer more rapid advancement to the higher salary rates than do the clerical positions of the lowest grade, although the ultimate possibilities are frequently not so good, and consequently in most large personnel systems those in the lowest clerical grade seek to secure promotion to the stenographic positions. The same is true of typists, adding machine operators, and other persons performing clerical work of a mechanical nature. In the federal service

this type of promotion has never been permitted, but employees have been required to compete in the regular open examinations. If assurance can be had that the high examination standards contended for will actually be applied, it would seem desirable on the general principle of enlarging the opportunities for promotion within the service that promotion of this kind should be permitted in the federal service.

Statistical Accounting and Legal Positions.—In the filling of posts in those technical services which lie close to the clerical service—the statistical, the accounting, and the legal services—the practice in the federal service has varied widely. In a number of cases these positions have been filled by the promotion of persons from the clerical service. In others, recruitment from without the service has been resorted to. In the legal service, recruitment has unquestionably been resorted to far more widely than promotion. In the case of the other two classes of service a general statement would be very difficult to make.

Had the choice of one of the other of these methods of selection been based, in every case, upon a reasoned policy and supported by an actual appraisal of the material available, the absence of any uniformity would be no occasion for unfavorable comment. It is believed, however, that examination would disclose that the varying decisions in this matter, varying not only from service to service but from time to time within the same service, have been based for the most part on no consistent policy or practice, but have been largely the expression of the varying or shifting views of the several administrative officers concerned.

The service actually secured in this field through selection from within is believed to have been poorer, on the whole, than would have been secured by general competition. Exceptions to this statement are numerous, and there is no reason why such a statement should be true at all if proper safeguards and methods are employed. Until they are applied, the service will continue to fill positions of the character in question in many cases by the promotion of persons originally recruited as

clerks who do not possess even approximately the same degree of capacity as could be obtained by general competition or indeed by drawing upon the available material within the service as a whole rather than merely upon that immediately adjacent to the particular vacancy to be filled.

Other Technical Positions.—The question of filling all technical positions, for which an extensive preparation is ordinarily required, from the ranks of lower technical positions not involving such preparation, a question illustrated by the case of the mechanical draftsman who seeks promotion to the position of mechanical engineer of the lowest grade, is similar to that above referred to in connection with stenographic positions in the clerical service, though, of course, the levels of the service involved are considerably higher. From the standpoint of policy the matter is almost wholly one of the severity of the qualifying examination. In the federal service it has not been common to permit promotions of this kind, recourse being usually had to general competition. Occasionally, however, promotions of this character have been permitted. Given a sufficiently high standard of qualifying examinations, they should be encouraged. Given the standard of examination which is believed to obtain at the present time, such promotions will, and to the extent that they are employed they doubtless do, result in a somewhat inferior class of service than would be obtained through the medium of general competition.

Selection from Within as Affected by Educational Standards at Entrance.—A phase of the problem of selection from within, which though of primary significance has been mentioned thus far only in passing, is the question of the educational standards applied at the entrance gate or gates to the service. The value of a well rounded general educational and cultural equipment for an administrative position in the public service is a question on which opinions may differ widely. In the business world, the widest variations of practice are found. Instances can be cited of large and successful business organizations which draw their executives exclusively

from the ranks of college graduates, recruiting such graduates indeed with the express purpose of developing them into executives as rapidly as possible. At the other extreme are equally large and successful organizations, of which certain railroads are outstanding examples, which admit recruits to their service only at so low a level as to preclude entirely the possibility of a college education and to make even a secondary schooling wholly unlikely, and which fill even the positions of highest responsibility exclusively by the advancement of those who have entered at that level.

The tradition of the public service in this country has been averse historically to the restriction of public office of an administrative character to the "educated" classes. The historians of the Jacksonian democracy have justly pointed out that the doctrine of rotation in office had its roots not merely in the policy that as many as possible should have a share in the honor and emoluments of public office, but in the sincere belief that the average man was fully equal to the demands of office. To no small degree this historical attitude has influenced the practice even in those jurisdictions in which personnel administration has been developed most fully, including the federal service.

In the clerical service, in which the question is presented perhaps in its most important form, the general rule prior to the war had been to recruit only at the lowest level, that of clerk, typist, or stenographer at entrance rates of $600 to $1,000, and to regard those so entering, or rather the men so entering, for the tradition has been against the advancement of women beyond fairly low levels, as eligible through long service to the highest administrative positions of a permanent non-political character; and, generally speaking, to restrict selection for those positions to those already in the service, in the particular bureau or service in which the vacancy occurs. While there have been occasional exceptions to the rule, it may be said that in normal times the permanent competitive positions of a purely administrative, as opposed to a technical, character have quite generally been filled in this

way.[1] During the war the rapid expansion of some of the permanent services, and the creation of many new ones, in great part suspended this tradition; and in the abnormal conditions which have characterized the months since the cessation of hostilities the situation on this head has remained confused. It may be assumed, however, that with the restabilization of conditions the tradition will regain most of its old-time force.

The British Personnel System.—The tradition of thus filling the higher non-technical administrative positions exclusively by the promotion of those who have originally entered the service in the lowest clerical grades presents a sharp contrast to the practice prevailing in the British Civil Service. In that service, the higher non-technical administrative positions are filled in perhaps 80 or 90 per cent of the cases by the promotion of clerks recruited not at the lowest grade but at an intermediate grade, through special examination. Those recruited in the lower grade are commonly termed second division clerks,[2] while those recruited at the upper grade are termed first division clerks. Those who enter as second division clerks may indeed advance to the higher grades of clerical work; but to the administrative posts classed as "first division clerkships" they may advance (after eight years of service) only in the rarest instances.[3] These posts are normally reserved for the "first division" clerks who, though they perform routine work at entrance, are regarded as merely in training for advanced posts.

The theory responsible for this stratification is seen in

[1] A recent illustrative exception to this rule was the filling of the position of Chief Clerk, Bureau of Education, by open competition. It is doubtful if there is another position of Chief Clerk of an established bureau in the federal service which has been filled other than by selection from within.

[2] There is a still lower grade known as "boy clerks"; but employment in this grade is regarded as temporary, the boy, who must be between 14 and 17 years of age at entrance, being required to leave the service when the upper age limit is reached if he has not obtained appointment to the second division grade.

[3] The second division clerks have been insistent for years in their demand that the opportunity for promotion to the first division be enlarged, and the tendency has been increasingly in this direction. It is not known at this writing what effect the war may have had, or may have, upon this situation.

the age limits and in the character of the examinations fixed for the two grades. Second division clerks at entrance must be between the ages of 17 and 20, the plan obviously being to recruit boys who have had substantially a secondary school education, and the examination for entrance to the second division follows fairly closely the course of instruction in the English secondary schools. The first division clerks, on the other hand, are required to be between 22 and 24 years of age, and the examination is closely fitted to the course of study in the universities.[1] The theory thus is that the higher posts should be filled chiefly by those who have had the advantages of a broad general education, and that only in case of very exceptional merit should those whose education has been restricted to the common or secondary school standard be permitted to advance to an administrative post of major or even intermediate responsibility.[2]

Applicability of British System to American Conditions.—It would not be correct, however, to leave the impression that those who were recruited for clerical positions in the federal service at the lowest grade before the war were invariably

[1] "As a matter of fact, the papers in mathematics and natural science are based upon the requirements for honor degrees at Cambridge, and the papers in classical and other subjects upon those at Oxford; and thus it happens that by far the larger number of successful candidates come from one or the other of these two great universities." Lowell, *The Government of England*, vol. I, p. 163. The fact that the examination favors those who come from Oxford and Cambridge and that these institutions are traditionally the institutions for the upper middle class and the aristocracy has caused the British system to be condemned as an aristocratic institution and, in practice, it doubtless is. So far as the theory here under discussion is concerned, however, the essential feature of the British system is merely that it sets a high educational standard for entrance to the first division. This theory in no wise would be impaired were the British Civil Service Commission so to alter the content and form of the examinations as to give those who have studied at the provincial (that is, traditionally the middle class) universities an equal opportunity with those from Oxford and Cambridge. Were this done, the system would be aristocratic only to the extent that any requirement of educational qualifications is aristocratic.

[2] It should be noted that there is nothing in the rules to prevent a second division clerk who, by self-education or evening study, has mastered the subjects of the examination, from entering the first division examination on an equal footing with those who have studied at the universities. The facilities for study of this kind in England and the high standard of scholarship required by the examiners make it virtually impossible, however, for such a case to occur.

inferior to the typical first division clerk entering the British service. Such is far from the case. The compensation formerly paid at entrance to the lowest clerical grades was in excess of that obtaining for the same grade of service in private employment, and, as respects Washington, an added inducement was offered by the many opportunities in that city, for securing a professional or academic education of which opportunities the federal employees are enabled to take advantage by reason of the favorable working hours in the departments. Owing to these factors the lowest clerical grades in the past contained a goodly percentage of persons of educational qualifications not greatly, if at all, below the average of the first division clerks in the British service; and although many of the recruits of this type left the service after a relatively short period, others remained and, despite the influence which seniority exercises in the federal promotion system, have found their way to administrative positions. These factors have made possible the practice of filling the higher non-technical administrative positions by the successive promotion of those recruited at the lowest grade. In view of the altered conditions in respect to compensation in the service at the present time, it is doubtful whether this policy can continue to give equally good results. It is thus a question whether a system, following in theory the British system, and encouraging the entrance into the federal service, at a somewhat higher level, of persons of superior educational attainments may not be desirable.

Doubtless some will urge that awarding a higher entrance rate to one merely because he possesses a superior general education is "undemocratic" or even "aristocratic." It is not believed, however, that the objection will stand examination. The requirement of a technical education where appropriate is everywhere accepted as unobjectionable on any grounds of social or political philosophy, and it is diffcult to see why emphasis on an academic education, where appropriate, is any more open to attack on these grounds. The entire absence of class character in the student population of the United

States makes any analogy on this head drawn from British or other foreign experience wholly valueless.

At one point, however, the British tradition should be sharply departed from. Under the British practice, the first division clerk has a first call on superior promotions, and it is only in case of extraordinary merit that a second division clerk is able to displace him. This is manifestly unjust. The two types of recruits should be placed upon an equality, and as each vacancy occurs the promotion should be made upon a fair competition (whether formal or informal) between all those eligibles, however recruited. If the theory be valid that superior educational attainments give to the employee a value equal to, if not greater than, that resulting from a longer application to and familiarity with the routine and detailed working processes of the organization, the employee who entered at the higher level because of those educational advantages in general should have no difficulty in demonstrating his superiority. If he is unable to do so there is, of course, no reason why, merely because of the superiority of the average of his type, he should be preferred to the employee who entered at the low level.

The view here taken with respect to the run of non-technical administrative positions is applicable also to such specialized services as the postal service. Substantially the recommendations here made have been made in fact by a former first assistant postmaster general, whose subsequent administrative success in other branches of the government service lends a special interest to his views. Discussing the problem of the higher supervisory positions in the postal service, and particularly the question of the best method of filling postmasterships now that the merit basis has been established for these positions, after pointing out that the present requirements for entrance to the postal service cover merely a common school education, he says:[1]

In the interest of the postal employees and those who are hereafter to enter the postal service, it should be recognized

[1] *The United States Post-Office*, by Daniel C. Roper, p. 284.

that the increasing complexity of the service gives rise to the need for training in some way a superior class of postal employees who may be promoted into positions of responsibility both as experts and as executives. The object of this would be to broaden the source from which the Government may secure men well prepared for the high positions, including that of postmaster.

It is just as necessary that the army of postal employees should be officered by men of specialized training as it is that our Army and Navy should secure a large number of their officers from the graduates of West Point and Annapolis. . . . Those who enter the postal service as clerks and carriers should be eligible for promotion to any position in the postal service, but before rising above the rank of foreman they should be required to take an examination of a higher grade than that under which they entered the service. Another class of recruits to the postal service should be young men especially selected, employed at a nominal wage, and trained in the Post Office Department at Washington and in model training post offices. These young men should be required to pass frequent examinations, and after completing the course be available for appointment to clerkships in the Department and to any work in the field, including minor supervisory positions at post offices.

It should be noted that the argument here is not for the present system of applying the principle of selection from within to all positions except those designated as "postmaster" and filling that by open competition; it is for the recognition of a level of recruitment higher than that represented by the average of the clerks and carriers now recruited, with special training provided for the capable recruits from both levels, and with both competing freely for the higher posts of the service. It proposes substantially the application to the postal service of the British theory, qualified as above, urged in the discussion of the clerical service.

Provision of Educational Facilities.—In the foregoing sections emphasis has been placed upon the extent to which advancement in the service must depend upon educational equipment; and it has been pointed out that if the experience in the work of the lower grades in no wise furnishes such

education and is in no wise equivalent to it, it must be obtained by the employee, if at all, entirely apart from his working duties. In the case of many positions, however, the working conditions make it highly improbable, if not altogether impossible, that their incumbents can acquire the education necessary for advancement. They do this, of course, in the first place, by requiring the employee's time. Even a normal working day will prevent the employee from giving the time required for the more difficult kinds of preparation. Frequently they deprive him of access to educational institutions both because of hours of labor and of the place in which his duties must be performed, though the situation on the first head is continually improving, owing to the development of facilities for evening instruction. Finally, in some positions it is doubtless true that the duties of the position tend to hinder the employee from obtaining the necessary education merely by affording him so little opportunity for the exercise of his intelligence as to make concentrated mental effort outside of working hours difficult. Consequently, the suggestion has been put forth in various guises that the government should recognize an obligation toward those in the service who are substantially cut off from advancement through lack of educational attainments, to make it possible for them to acquire the necessary educational preparation with much less difficulty and hardship than is now the case. This is to be done, in part, by reducing the working time or adjusting the working hours where necessary to permit the employee to pursue further study and, in certain cases where existing facilities for study are not available or appropriate, to develop new facilities. Closely bound up with these proposals is the suggestion that in certain cases the expenses of tuition of the employee be assumed by the service.

Although these suggestions are based primarily on the anticipated benefits to the personnel system through increased attractiveness of the service and improved morale, they make a strong appeal from still another angle, that of equality, or rather equalization, of opportunity. So far as the lack of

educational attainments on the part of subordinate personnel is due to a lack of opportunity resulting from financial causes, anything which the service may do in the way of helping the handicapped employee to overcome this disadvantage tends to neutralize the existing inequalities of opportunity for education and for economic success. It need hardly be said, however, that meritorious as any effort in this direction undoubtedly is, its effect on the social situation generally must be negligible; nor is the matter one which the personnel administrator is concerned with to the extent of allowing his policy to be materially affected thereby. Nevertheless, it is a consideration not to be disregarded, and where the balance of convenience seems to be about even, it may well be permitted to influence the decision in favor of providing the facilities for instruction.

Once the principle is admitted that the service is under obligation to provide educational facilities through which those in lower ranks may equip themselves for promotion, the problem becomes the practical one of determining the several points in the service where such facilities might be supplied. Against the cost of supplying the facilities and the cost of allowing the employees any necessary time for study must be balanced the returns to the service in better personnel in the lower ranks, better service, and morale, and, in addition, the social benefits of an equalization of opportunity.

There is perhaps no theoretical limit at which the provision of educational facilities must stop. In the military and naval services in peace time, when the amount of productive work which must be accomplished is relatively slight, an enormous proportion of the facilities and of working time is devoted to the education of the personnel. In the civil service, however, where productive activity is the normal rather than the abnormal condition, there are obviously very severe limitations on the extent of the opportunities for education which can be provided with reasonable economy of facilities and time.

So far as the personnel at Washington is concerned, the existing facilities in almost every common field are fairly

ample. Not a few special fields might be found, however, particularly in technical branches, in which virtually no facilities are at present available. Here the government could, with a minimum of expenses and difficulty, develop facilities of its own that would not only be of the highest value for the personnel system, but would make a unique contribution to the intellectual progress of the nation in all the fields on which governmental activities impinge and would be a most beneficial stimulus to the mental vitality and energy of the technical and administrative forces of the government. Possessing in its staff of technical workers the makings of a distinguished faculty, in its buildings, libraries, and laboratories a varied and amply adequate plant, and in the current problems of the several services living working material not possessed by any university in the land, the government could readily build up at Washington, at small expense, an institution as valuable as it would be novel, in which the government employee of native capacity and ambition could acquire, under the most favorable conditions, the specialized instruction thought necessary for his advancement to higher responsibility.

Even with respect to existing facilities for conventional courses of instruction at Washington, much could be done unquestionably by the government, acting through some central personnel authority, and in coöperation with representatives of the various services and of the various classes of employees affected, greatly to improve these facilities, both in respect to quality of instruction and physical plant and in respect to preparedness for and responsiveness to the needs of the government service. Up to the present time, it may be said that practically no action has been taken on this head. The government has permitted a considerable number of educational institutions of all grades to exist in the Capital, supported chiefly and, in some cases, virtually solely by the government personnel, but has taken almost no interest in the quality or character of the instruction offered. This is not the place in which to attempt any specific suggestions as to what might be accomplished by such activity on the part of the government

personnel authorities as is here suggested in any given field of education, but any one familiar with the conditions existing in any particular major branch of instruction at the seat of government will find no difficulty in thinking of ways in which the current situation might be improved along the lines suggested.

Outside of Washington there are few centers in which the number of federal employees would warrant the provision by the government itself of special facilities for the education of its personnel or for the intervention by the government on behalf of its personnel in the educational activities being carried on by non-governmental institutions. Consequently, additional interest attaches to the suggestion made at another point in this volume, that the service at Washington, so far as possible, should be recruited by the detail of employees from the field establishments. To the extent to which this could be done without detriment to the service, the departmental service at Washington, in conjunction with educational facilities supervised and encouraged by the government, might be made the educational center for the entire federal service.

The question of working hours as affecting opportunity for education is one which does not present itself in an important way over most branches of the service. The hours of labor in the departments at Washington, and generally at the large centers of the country where alone the question really presents itself, are sufficiently short to make it possible for the ambitious employee to pursue all but the most difficult and exacting courses of study. It may truly be said perhaps that under existing requirements medicine, dentistry, and civil, mechanical, and electrical engineering are the only common vocations or professions preparation for which cannot successfully be procured by the employee outside of working hours, and perhaps even the engineering courses should be excluded from this statement. So far, however, as the question does present itself, it seems desirable that a limited concession should be made by the service in the case of the deserving employee whose working hours do not permit his pursuing an

appropriate educational course to the best advantage. Needless to say, this is a form of privilege which must be carefully safeguarded, both as to extent of allowance of time and as to the number of employees to whom it is extended. The same may be said with even greater emphasis with respect to any plan for the assumption by the government in whole or in part of the expenses of tuition of the employee.

It may be said in passing that although the proposal that the government should in any wise concern itself with the educational advancement of its employees, or still more, should assume a portion of the expenses of such education, either by way of remission of working time or by actual contribution of tuition cost, may seem novel, yet precisely this policy has been followed in the military and naval services for years. In those services it has happened frequently that when a need arose or was anticipated for a particular type of technical service which could have been secured in the open market, the policy has been followed of taking officers, or even in some cases enlisted men, already in the service and giving them the necessary training at an expense far in excess of what would have been required to bring in civilian technicians and to instruct them in whatever details of military practice or procedure might have been necessary. Many hold that in the military and naval services this tradition has been carried to a wholly unnecessary extreme, and it is not by any means the intention here to argue that any policy which may be adopted for the educational advancement of the civilian personnel should be governed by the military tradition, but merely to point out that the proposition is more novel in appearance than in reality.

In summary, the danger of educational requirements as related to selection from within is on the one hand that of confining recruitment to such low levels as to deprive the service of the possibility of securing persons of advanced educational equipment; and on the other that of emphasizing educational requirements to such a degree that at several successive levels recruitment from outside the service must be resorted to to

secure persons with the required educational attainments, thus closing the door of promise in the face of the lower employees. The radical, and the only thoroughly satisfactory, solution of the difficulty is to be found, it is believed, not in lowering the educational standards fairly demanded by the needs of the service, but in making it possible for the employee in the lower grades to acquire the educational equipment necessary for his advancement to the higher. This is not to say that the government is to proceed forthwith to provide higher education, in working time, for the whole of the subordinate personnel, but it means that so far as practicable those of the subordinate personnel who show sufficient promise should be provided with facilities, and with a certain allowance of time, for securing the advanced education needed for the posts in the natural line of promotion.

What is here suggested is an entirely different matter from the proposal for training for the public service of which so much was formerly, and occasionally still is, heard. That proposal sees the service as a special field for which no adequate preparation is now afforded by existing educational institutions, or by business experience, and consequently aims to create training of this kind. In a subsequent section this view is examined and the conclusion reached that there are only a few positions in the public service which should properly be filled from without the service and for which adequate preparation cannot be had through existing institutions or through the ordinary course of business experience and that where such positions do exist there can be no better method of training than that of bringing into the service an intelligent and ambitious young personnel and training it for the special work involved through the medium of the work itself.

The Area of Selection from Within.—The foregoing discussion has been confined to the principle of restricting selection to those within the service as against resorting to general competition. For the sake of simplicity in discussion, all consideration has been omitted of the fact that once the principle of restricting selection to those within the service is

decided upon a distinct but cognate problem is encountered in its application. Upon the answer which is given to this internal question depends in large measure the practicability of applying the principle as against general competition. Stated in its simplest terms, this question is to what precise area of the service shall selection from within normally be confined; and if suitable candidates are not forthcoming from so limited an area, what additional area or successive areas shall be drawn upon in the attempt to fill the position by selection from within before open competition is resorted to? To put the case concretely: a vacancy arises in the position of the chief accounting clerk of one of the federal services. The position is one which, in the nature of the case, might normally be expected to be satisfactorily filled by selection from within the service. In the federal service no system of formal competition for promotion obtains; and hence the question of the area of the service from within which the appointing officer is to be expected to make his selection does not present itself as sharply as it does in those jurisdictions where formal competition for promotion does obtain. Nevertheless, the question is there; whether formally or subconsciously, the appointing officer manifestly has in mind in the first instance, a particular limited area of the service from within which his selection is to be made if a suitable candidate can be found at all. This area may be merely the particular division of the office concerned with the accounting work; it may be the accounting offices of the services both in Washington and in the field; it may possibly include all the accounting offices of the department, including those of other services, and it may conceivably extend to the accounting offices of other departments having accounting problems more or less cognate to those encountered in the service in question; finally, it may embrace these several areas in succession, the zone being successively widened as one after the other is found to yield insufficient material for selection. What, in correct theory, should be the original area of selection in this case, and what are the successive areas of extension? What should be the final extent of the area of selection from within,

beyond which the attempt to restrict selection to those within the service should be abandoned and general competition resorted to? Manifestly these are questions which go to the root of the whole principle of selection from within. Manifestly, too, they admit of no facile or general answer.

At first sight it might be thought that the principle of convenience, which dictates the restriction of selection to those already within the service unless substantial reason exists for the belief that better results will be obtained by resort to general competition, would also furnish the answer to the present question; that the natural rule would be that selection is to be restricted to as small an area of the service adjacent to the particular vacancy as is consistent with the probability of finding within that area a sufficient quantity of available material to make satisfactory selection possible, and that just as general competition should be resorted to only when selection from within seems unlikely to produce sufficient material of the desired quality, so the area of selection from within should be successively widened only to the degree necessary to insure an adequate quantity of material for selection.

On further examination, however, it will be apparent that an additional factor of the first importance seriously qualifies the validity of this rule of convenience. This factor is the need for equalizing opportunity over the whole service. The various units of organization of the government, each of which might be designated logically as a distinct area to which selection is to be restricted for any vacancy in a particular class of work occurring in that unit, vary widely in size, in their rate of expansion, in the opportunities for passage to private employment, and in various other respects, all affecting the frequency and character of the opportunity for promotion within their confines. If selection is to be normally restricted in each case to those within that unit, the mere accident of original entrance into or assignment to one or another branch of the service obviously will seriously affect the chances of promotion of the employee. The personnel administrator must consequently so apply the principle of selection from

within as to equalize as nearly as may be the opportunities for advancement of all those engaged in a particular class of work.

Needless to say, there are serious natural limitations to what may be done in this direction without detriment to the service. Even though the class of work may be the same, the employee who has served in the organization unit in which the vacancy occurs obviously will have, other things being equal, a greater present value in the vacancy than the employee coming from another unit of the organization. The question of the balance of convenience thus presented between the need for equalization of opportunity for advancement on the one hand and the need for present economy in the service on the other is a nice one and cannot be answered, of course, in any case by the use of a formula.

When the area for selection from within is extended beyond a particular organization in which the vacancy occurs, the possibility arises and becomes greater as the area is extended, that a person may be found outside that particular unit for whom appointment to the vacancy will represent not a promotion, that is, not an advancement from a lower to a higher grade of service, but a mere reassignment within the grade in which he is already employed. Even such reassignment, presumably, will represent an advancement for this employee, or he would not seek it or be willing to accept it, but it will not be promotion from a lower to a higher grade. Clearly, viewed from the standpoint of the service as a whole, a favorable vacancy in a particular grade has been more fully earned, other things being equal, by one who has already seen service in that grade in a less favorable assignment than by one who is still in a lower grade.

Nor is the desirability of equalizing the opportunity for promotion the sole reason why freedom of movement over as large an area of the service as practicable should be encouraged. In the course of business, occasions frequently arise when reassignment or redistribution of duties has to be made; and situations arise too, where, in the interest of the service, it is desirable to change the duties assigned to a given

employee. The occasions when such action may be called for are too familiar to need more than mention. Thus, a particularly capable employee, with large promise of development, may be assigned by accident to duties in which he enjoys no opportunity to fit himself for more advanced work, a condition not only injurious to his own morale and efficiency but injurious to the service generally, since it represents a waste of potential ability, never too plentiful, which the service should conserve. Again, an estrangement may arise between an employee and a superior officer which impairs the efficiency of both, and which is yet the result either of accident or a temperamental difficulty not fundamental and not likely to be present with others. Finally, a situation not infrequently arises in which it is thought that a particular employee, because of some special aptitude or interest, is more likely to produce results in a given specific set of duties than the employee now performing those duties, though the latter may be, in general, a wholly satisfactory employee.

Changes in assignments, in short although frequently made at the instance of the individual employee and in part for his benefit, at the same time may be demanded for the best interests of the service. It is, consequently, in the highest degree desirable, in any personnel system, that as great a freedom in reassignment should exist as is consistent with other requirements of personnel administration.

The extension, rather than the restriction of the area of selection from within, commends itself from still another point of view—that of preventing stagnation in the service by making more frequent and more free the movement of individuals from one branch of the service to another. Since persons transferred to areas of the service more or less remote from their previous assignments have to spend some time in familiarizing themselves with their new work, there is, of course, a limit beyond which the free movement of personnel and frequent changes in the personnel of the organization will be found hurtful to the efficiency of the service and the economy of operation: but it is not believed that under ordinary con-

ditions in the federal service there will be much danger of this, however widely the area of selection may be extended. The need for definite measures to prevent stagnation of the service is so great as to outweigh any slight danger of increased cost of service which may inhere in the extension of the area of selection.

The problem of the proper limits of the area of selection presents itself, of course, with great variations in difficulty and importance. Some classes of work are located chiefly, if not exclusively, in a single branch of the governmental service, and here the problem is a relatively simple one. Such a case is that of the geologists employed by the Geological Survey. Virtually no other branch of the government service employs geologists except occasionally. The question of the area to which selection for any given vacancy should be restricted in this case is thus simply a question of whether it should be restricted to one or more of the administrative divisions of the Survey or should be extended to cover all its geologists. Since its administrative divisions are not entirely stable and the operating relations between them are intimate, and the geological work required in them is not radically different, the decision here naturally would be that the whole service should be considered as a unit for the purpose of selection from within, except perhaps for a small proportion of highly specialized posts.

At the other extreme are classes of work which occur in virtually every branch of the service. That of financial accounting or of maintaining personnel records and administering personnel matters readily occur as examples of this class. Here a variety of questions present themselves. Selection may be restricted to those engaged in this work in the particular service in the Washington office, or may be extended to include also those in the field establishments of the service engaged in that work. Again it may be extended to embrace all services of the same executive department, whether to those employed in the central offices at Washington or in the field establishments. Finally, it may be extended to in-

clude all, in whatever department, who are employed in a given class of work in Washington or perhaps even through the services the country over. In each case the decision will have to be made by balancing the advantage of enlarging the number from among whom selection may be made and of opening to those in the least favored services an opportunity for advancement which might otherwise be lacking, against the disadvantage involved in filling the vacancy by one not familiar with the detail of the special problems or conditions of the particular service or branch in which the vacancy exists.

So far as the latter disadvantage exists, it may be noted, it is not likely to be any more serious in many cases when the person appointed comes from a wholly different department than when he comes from another service of the same department. In many instances the fields of work, and consequently the detailed problems of operation, of two services of the same executive department bear no more relation to each other than do those of totally distinct departments. Theoretically, of course, this should not be so, but that it is so no one familiar with the present distribution of functions among the executive departments will question for a moment. While, therefore, in theory it might appear that a more complete case ought to be made out for extending the area of selection to another department than for extending it merely to other services of the same department, the facts of the present situation lend little support to this view.

From the various considerations just reviewed, it must be apparent that no precise formula can be developed by which the area of selection within the service desirable in any particular case may be determined. All that can be offered in a discussion like the present one is that the problem is manifestly one requiring close and continuous study; that it cannot be met by arbitrary regulations designed to cover all cases; and that the central personnel authority should be ever in search of opportunities to extend the area of selection where desirable.

None of these requirements is satisfied by the situation now obtaining in the federal service. The problem of the proper

definition of the area of selection from within for the several classes of service has never been studied in any comprehensive way. The current practice on this head is almost wholly the result of independent and uncoördinated departmental action.

Attitude of Civil Service Commission.—So far as the Civil Service Commission is concerned, its action to date has not only been not constructive; it has been decidedly restrictive. At the instance of the Commission, the President has promulgated rules, the details of which will be reviewed shortly, which materially limit the power of the appointing officer to enlarge to the fullest extent which he may deem necessary the area of selection from within. Not only is it believed that the restrictive regulations thus developed at the instance of the Commission have in many cases been unnecessary, but also that the theory which has been responsible for the Commission's recommendations under this head is an incorrect one. In its current publication dealing with this subject,[1] the Commission repeats the statement first made by it some fifteen years ago as follows:

> No specific authority for transfers is found in the civil service act, and they are allowed only as necessary exceptions to open competition. The rules are intended to impose restrictions which will confine transfers within the fundamental provisions of the act; that is, that they shall be warranted by the conditions of good administration and have regard to the rights of competitors and employees without making a privileged class of the latter.

To agree with the reasoning of the Commission in this matter is indeed difficult. In view of the circumstances under which the civil service act was passed and in view of the fact that the act itself specifically recognizes that "other things" may be included in the rules to be promulgated by the President, there seems to be little reason for taking the position that the act should be given any force in the direction of restricting the possibilities of transfer beyond what would be

[1] Information concerning transfers, United States Civil Service Commission, Form 30b, December, 1917.

indicated by the needs of sound personnel administration if the act did not exist. Again, the principle of having "regard to the rights of competitors and employees without making a privileged class of the latter" finds no warrant in the civil service act itself. The act, indeed, does provide that all positions, *"as nearly as the conditions of good administration will warrant,"* shall be filled by open competitive examination; but the act says nothing which negatives the possibility that it may be very much in the interests of good administration to make "a privileged class" of employees in certain cases, nor does the act anywhere define or indeed even mention the "rights of competitors." The purpose of the act was not to extend any "rights" to competitors for entrance to the service but to provide a method of filling vacancies from without the service when it became necessary to fill vacancies in that way. The act cannot thus be fairly regarded as touching in any way on the question of the extent to which it might be desirable to fill vacancies from within, rather than from without, the service.

Equally mistaken seems to be the general statement, made by the Commission in explanation of a restriction on freedom of transfer effected by amendment to the rules made in 1904, that "injustice is done when a person is brought into a department over the heads of those deserving promotion." [1] Although this statement had particular reference to the prohibition of transfers to a position above the lowest grade in any class except upon special certificate, it may be taken fairly as representing a general attitude on the part of the Commission on the question of the proper extent of the area of selection from within.

The difficulty with this view is that it fails to look at the service as a whole. It adopts the provincial outlook of the mediocre employee who can see no further than the particular branch of the service in which he happens to be at the time. To the capable and ambitious employee, however, it seems no

[1] Twenty-first Report of the United States Civil Service Commission (1904), p. 15.

hardship that one is brought from another branch of the service over his head, provided, of course, his selection for that purpose has been fairly and honestly made, because he sees in this transfer a corresponding opportunity for himself to seize an opportunity in another branch of the service when it arises.

The principle here contended for in effect converts the whole federal service into a single system within which free movement obtains, while the principle contended for by the Civil Service Commission in the statements quoted looks to the maintenance of the system as an aggregate of closed circles with a transfer from one to the other possible only in the rarest instances. The net effect of the two theories would not be widely divergent were all the circles of equal dimensions, and opportunity for promotion within each of them equally frequent and attractive. Since such is, however, in no degree the case, the insistence of the right of each small group of employees to be treated as a service apart from all other groups in the service cannot but result in the grossest inequality of opportunity for promotion and advancement in the several branches of the service and the deterioration in the caliber of the personnel in those branches of the service in which opportunity is slight. The theory here contended for opens up to every branch of the service, within the natural limitations fixed by the diversity of work, the material available anywhere in the service.

At still another point the principle adopted by the Civil Service Commission is open to criticism. In concentrating attention on the injustice done to those "deserving of promotion" by bringing in one from another branch of the service over their heads, no account is taken of the fact that that one may be equally or more "deserving" at the hands of the service. The fact of the matter is that the statement of the Commission really implies that the selection of the person from another branch of the service in preference to those within that branch is not made solely with an eye to the good of the service but is in whole or in part dictated by the purely selfish interests of the individual involved. It cannot be questioned that

under current conditions prevailing in the federal service many of the transfers from one branch of the service to another have been open to this objection. The remedy, however, is not to oppose obstacles to the free movement of the personnel from one branch to another but to establish such methods of selection of persons to be transferred from one branch to another as will insure that the transfer, in every case, is demanded by the interests of the service.

The attitude taken by the Commission in this matter is all the more remarkable in view of the fact that it has never offered the slightest objection to the filling of a post by open competition which could satisfactorily be filled by promotion from within the service. Surely if injustice is done to those in a particular branch of the service by bringing in over their heads one from another branch of the service, the injustice must be all the greater when one is brought in over the heads from wholly outside the service.

Attitude of Congress.—The action which Congress has taken on this subject is also wholly innocent of any constructive intent. The interest of Congress in this matter has arisen at various times from the competition between different services and departments for particular classes of employees, resulting in one service or department outbidding the other. Obviously this condition could not arise were there enforced throughout the departments and services a uniform standard classification of duties and appropriate compensation rates appertaining thereto. In the absence of such standards, however, departments naturally have been able to offer very widely varying figures for the same type of service. In the attempt to prevent this competition of departments with one another, Congress has enacted several restrictive statutes of wide application. The particular terms of these statutes and their inappropriateness for meeting the situation in question are discussed in the subsequent paragraphs in connection with the several types of restrictions. Here it is desired merely to point out that the action of Congress on this point has been brought about only by a wrong condition for which Congress

alone is responsible. Had Congress provided a means whereby uniform rates might be fixed for the same class of work throughout all branches of the service and enforced an impartial application of those rates, it would be impossible for any employee to obtain a higher rate simply by moving from one organization unit of the service to another, while the work which he was performing remained the same. Were the work to be really higher in grade, there should be no proper objection, of course, to the change. It should be welcomed, in fact.

Disadvantages of Existing Restrictions upon Transfers. —The restrictions which are in force upon transfer from one department to another reveal themselves as especially pernicious when a new service or agency is established. Little is to be looked for in the way of a multiplication of opportunities within a given service by reason of its own rapid expansion. Not infrequently, however, the government enters an entirely new field of activity, and constructs a large new organization therefor. In such a case, opportunity is offered to build the personnel of the new service by selection from the ranks of the existing organization. In view of the natural limitations on the opportunity for advancement in the federal service, it would seem clear that such an occasion for increasing those opportunities should be welcomed and should be availed of to the fullest possible extent. From the standpoint of the new organization, the desirability of obtaining an administrative personnel familiar with government methods is equally clear. But the statutory restrictions now in force make no distinction whatever between such a case as this one and that of transfer to a well established branch of the service.

These restrictions apply only where the position to which transfer is sought is in the competitive class. Where the position is excepted from examination, whether by statute or by the rules, the appointing officer is free to fill it by the selection of whomever he wishes, so that manifestly no special restriction could logically exist which would in any way hinder him

from filling it by the selection of one already in the service.[1]

The requirements now in force, whether derived from statute or civil service rule, virtually without exception, are applicable only to transfers from one department or independent establishment to another. In theory, there is no reason why, even were the departmental organization of the government wholly correct and consistent, a transfer from one department to another should be made any more difficult than one from one branch of a department to another. In either case, the transfer should be made, under proper practice, only where the employee transferred meets the requirements of the position to which he is transferred more completely than does any employee more nearly adjacent to the organization unit in which the vacancy occurs, or where the transfer represents to him an advancement in compensation, responsibility, or opportunity which he has earned more fully than such more adjacent employee. If either or both these factors are present, it would seem immaterial whether the transfer involves a journey from one department to another or merely from one part of a department to another.[2]

Especially would this view seem to apply considering the

[1] If the position to which transfer is sought be in the competitive class and the position from which the transfer is proposed be an excepted one, the person proposed to be transferred must pass an examination. This requirement is discussed in the following section.

[2] The following from the report of the Reclassification Commission (Part I, p. 12) seems to endorse this view: "We are asking the Congress to remove the barriers which have been set up between the various departments and which have made it extremely difficult for an employee in one department to secure a more lucrative place in another department. We believe the service should be regarded as an entity and that promotions should go to the best qualified without regard to departmental lines."

It is not entirely clear, however, how this is to be reconciled with the position taken at a subsequent point in the report (p. 127) that "a clear distinction should be made between transfer between departments and assignment to specific positions within the same department. The Civil Service Commission should have no authority over assignments, provided they are in accordance with the classification, the placing of individuals in specific positions within the same class coming entirely within the jurisdiction of the administrative officers in charge of the work." If it be assumed that the word department is here used in the sense of organization unit, the inconsistency disappears, as the sentence would then mean merely that the Commission would not exercise supervision over the division of labor among the employees of a class in any organization unit.

existing departmental organization of the federal government. The present distribution of functions and services among the departments represents not the outworking of a comprehensive and consistent plan, but a more or less haphazard and accidental growth, characterized by many features wholly illogical, some very ill-considered, and not a few manifestly absurd. In a number of instances, the gap which separates a given service from another in the same department is far wider than that which separates it from a given service in another department. In fact, it is notorious that nearly all the proposals which from time to time have been put forward for the consolidation of functions in the federal government have contemplated the consolidation of two or more services not in the same department but in different departments. Obviously, this lack of logic in the departmental organization of the government renders all the more improper and vexatious the arbitrary restrictions which are interposed to hinder free movement from one department to another.

The basic motive for these restrictions has been to check the employees in their attempts to obtain higher salaries by securing transfers from departments paying lower salaries to those paying higher salaries for the same class of work. The situation which led to their enactment was thus summarized in the report of the Quartermaster General for the year ended June 30, 1904:[1]

> Under the provisions of the civil service rules relating to transfers, during the past year other Departments have applied for and obtained the transfer from this Office of a number of clerks—with hardly an exception . . . young men who, in addition to being competent clerks, are skilled stenographers and typewriters, and who at the time of their respective transfers had been in the service just long enough to familiarize themselves with departmental methods. However valuable the system of transfers may be to the Departments drafting this class of employees, it is demoralizing to the Department from which the clerks are drafted. It is true that the latter

[1] Twenty-first Report of the United States Civil Service Commission (1904), p. 15.

Department can, under the rules, arbitrarily refuse to grant the requested transfer, but in every case the clerk whose transfer is asked is offered an increase in salary . . . and in the majority of cases more rapid promotion than can be expected in the office in which he is serving. When these facts are placed before the head of a Department, he approves the transfer rather than take the position of standing in the way of the material advancement of the clerk.

The difficulty with this proposition is that the condition out of which the undue frequency of transfer arose, that is, the lack of uniformity in the salaries paid for the same kind of work in the several departments, was an improper one and one capable of being remedied. The undue frequency of transfers was merely a symptom of this disease and not a disease itself. The remedy should have been sought in a standardization of salary rates for similar classes of work throughout the departments and not in an arbitrary restriction upon the freedom of transfer in cases where such transfer might be desired not merely by the employee for personal reasons but by the administration officers of both departments concerned for reasons solely connected with the good of the service.

The most important restriction now in force limiting transfer from one department to another is that requiring that an employee "must have served for a term of three years in an executive department or independent establishment at Washington before transfer to another such department or establishment." This rule is merely a paraphrase of a statute originally enacted in 1906 [1] and extended in its scope in 1917.[2]

The drastic character of this provision needs no comment.

[1] Act of June 22, 1906, 34 Stat. 449.

[2] Act of October 6, 1917, 40 Stat. 383. The original act of 1906 applied only to transfers from one executive department to another executive department. The act of 1917 extended the restriction to transfers from executive departments to independent establishments and *vice versa* and to transfers of employees from one independent establishment to another. Long before the statutory extension of 1917, the rules (under an amendment ordered September 23, 1907) had extended the three-year requirement to transfers between, to, or from independent establishments; but under those rules the requirement might be waived by the Commission, while the statute made it mandatory.

Taken in conjunction with the act of 1917, shortly to be mentioned, which prohibits the appointment of persons under lump sum appropriations in any department at a higher rate of compensation than was received by them in any other department preceding their employment by the second department, it constitutes a more drastic restriction upon inter-departmental transfers than is to be found in any other public personnel system that has come to notice and one which, needless to say, is wholly foreign to the practice of private personnel systems.

It is consequently all the more difficult to understand why the Commission felt called upon, in 1907, to extend this three-year requirement even further than required by the statute. The Attorney General ruled, shortly after the enactment of this statute, that it did not apply to transfers to or from the field services of the several departments, on the ground that the term "departments" as used in the act was intended to apply only to the departments at Washington.[1] The President presumably acting on the recommendation of the Commission, shortly thereafter amended the rules to apply the same restriction to inter-departmental transfers to or from field services, with the qualification that the requirement may be waived upon a statement of reasons satisfying the Commission that a transfer is necessary in the interest of the service.[2] Information is not available as to the frequency with which occasions arise for the application of this part of the rule, or as to the attitude which the Commission has taken towards applications for the waiving of the requirement. Whatever may be the facts on this head, however, it is believed that the rule itself is uncalled for and unsound in principle, and should be abrogated without delay; and that the Commission at the same time should urge upon Congress the repeal of the statutes of 1906 and 1917.

[1] Opinion of the Attorney General, May 17, 1907, 26 Op., 254.

[2] Amendment of September 23, 1907, to Rule X, 8 (*a*). In point of fact the amendment, in its terms, requires the consent of the Commission to the waiving of the three-year requirement not merely in the case of inter-departmental transfers to or from field services, but even in all inter-departmental transfers. If this was the intent of the rule, however, it has never been carried out.

Official opinion, based on experience, accords with theory in recommending this course. In the year following the enactment of the three-year law the following comment was made by the Secretary of Commerce and Labor:

The law prohibiting transfers from one Executive Department to another until three years' service has not worked an improvement. The bright young man coming into the service at a small salary is largely influenced in his acceptance of the place by the hope of reasonably early promotion. In many offices he finds that there is but little opportunity. He cannot afford to wait three years for a transfer to some office where the chances are better, and he either leaves the service at the beginning of his usefulness or drifts into hopeless mediocrity. While it is probably true that some offices and Departments have suffered because of frequent transfers, it is believed that the proper remedy is a uniform reclassification of the service, as recently recommended by the Committee on Department Methods, and that any direct prohibition against transfers beyond the period of six months originally fixed by the civil service rules, while affording apparent relief, does not remove the cause and cannot be regarded as the correct solution of the difficulty. The nucleus of this Department was formed by transfers from other branches of the service, and it would probably have been a severe drawback had the transfer limitation then been in effect. Were all the Departments classified on a uniform basis, much, if not all, of the instability of the force in certain Departments and offices would disappear.[1]

Again in 1910, the Secretary of Commerce and Labor expressed his opinion of the three-year rule as highly undesirable from the standpoint of personnel administration. The statement made by him at that time, and presumably prepared for him by an official in his Department thoroughly conversant with conditions in the Federal Service, so admirably sums up the considerations bearing on this question as to warrant reproduction in full.

There are many instances in which it is found to be impracticable to make selections for appointment from the civil

[1] Twenty-fourth Report of the United States Civil Service Commission (1907), p. 176.

service registers. Prior to June 22, 1906, a department could select, after six months' service, an employee in another department or branch of the service having qualifications to fit the needs of a particular position, thus leaving a vacancy which very often could be filled advantageously from the eligible list, but by legislation enacted on that date such a transfer is prohibited if both positions are in Washington, D. C., unless the employee proposed for transfer has served at least three years in the department from which transfer is desired. This applies also to transfers to and from positions outside of the District of Columbia, unless the Civil Service Commission deems the action necessary in the interest of the service and waives the three-year requirement. That transfers, especially to positions requiring executive ability or scientific and technical training, are occasionally desirable and even necessary to the best interests of the Government cannot be questioned. The transfer of an employee from a position not requiring the full use of his powers to one requiring a higher order of efficiency also is clearly not only in the interest of the service, but advantageous to the employee himself. It enables a department to fill properly a position which requires a special order of ability or imposes a high degree of responsibility by the appointment of a person whom experience has shown to possess just the qualifications of mind and temperament desired, as well as to retain in the service a valuable employee who might otherwise become dissatisfied with his environments and leave the service, but who, if given the proper encouragement and opportunity, might rise step by step into the higher positions. A less direct, but by no means unimportant, advantage of the privilege of transfer is that it offers inducements to ambitious young men who would enter the service if they felt assured of a fair chance for advancement.

The civil service act contains no specific authority for transfers. Presumably for this reason the Civil Service Commission considers the filling of a position by transfer such a departure from the general method of appointment prescribed by law as can only be justified when the conditions of good administration will be more fully met than by original appointment. Apparently also the commission recognized the advantages of a certain amount of elasticity in the transfer rules, for it stated, shortly before the passage of the law establishing the three-year limit, that it believed that transfers had been restricted to the fullest extent compatible with the best interests of the service.

Experience shows that inter-departmental transfers are perhaps unnecessarily hampered and restricted at the present time by the provision of law referred to. While its object was, unquestionably, to restrict the number of transfers made for personal and other reasons not connected with the best interests of the service, and to prevent persons from accepting appointments to undesirable positions with a view to securing early transfer through improper influence, in actual practice it appears to be merely an arbitrary rule for which no sufficient reason can be found, and an obstacle in the way of businesslike methods. It is not apparent why objectionable transfers could not be restricted by means less detrimental to the general service; why, if a time limit is deemed absolutely necessary, it should be placed at three years rather than at six months or one year; or why the Civil Service Commission should not be authorized to waive the requirement, even in transfers between departments in Washington, when the head of a department concludes and certifies that such action is required in the interest of the service. In pleasing contrast to inter-departmental transfers, and as really convincing illustrations of their usefulness with proper coöperation between the departments and fewer arbitrary restrictions, are the transfers between the various bureaus of this department. During the past fiscal year there were 90 transfers of this kind. Many of these were made upon the application of the employee concerned; practically all were agreeable to the persons transferred; and all (even those made as the result of the efficiency records taken last year) had in view the ultimate good of the service.[1]

There is not found in any subsequent pronouncement of the Civil Service Commission or of the departments any discussion of the wisdom of the three-year transfer rule, but it it is hardly to be doubted that a canvass of the officers of the several departments and bureaus which have to do with personnel matters would disclose a fairly unanimous agreement among them that the present requirement is distinctly hurtful to the service.[2]

[1] Twenty-seventh Report of the United States Civil Service Commission (1910), p. 139.

[2] In 1912 the President's Commission on Economy and Efficiency addressed to all the principal administrative officers in Washington a questionnaire calling for comment on various statutory provisions affect-

Unduly restrictive as the three-year requirement is, it proved itself wholly ineffective, in the complete absence of central provision for salary fixation and enforcement, to check the wholesale inter-departmental competition for experienced employees, and even for inexperienced, which developed promptly upon the declaration of war. Congress again met the situation, not with any fundamental plan for the central control and equalization of compensation rates, but with a wholly negative, restrictive enactment. At a time when it was of vital import to the government that every experienced employee should be placed in that branch of the hastily improvised and hourly expanding war organization for which he was best fitted, Congress prohibited the transfer of any employee from one department to another at an increased rate of compensation (or the employment at a higher rate of any person who had within the year been employed in another department, a provision obviously designed to prevent evasion through resignation and reappointment); and forbade any increase of the compensation of any employee transferred within a year after the transfer.[1] The Comptroller of the Treasury fortunately decided that the act was limited to positions in the departments and independent establishments at Washington.[2] Adopted purely as an emergency measure, and embodied in an appropriation act, this ill-advised measure still remains on the statute books, chiefly because Congress is too much occupied with other matters to repeal it.[3]

In connection with this legislation, mention should be made of the act of 1912 prohibiting the increasing of an employee's

ing personnel. The replies (to be found in "A Budget for the Fiscal Year 1914," one of the Commission's Reports, pp. 207-335) in most cases mention the three-year statutory restriction on transfers and virtually unanimously condemn it.

[1] Act of October 6, 1917, 40 Stat. 384. It should be noted that the act in terms applies only to salaries paid out of lump sum appropriations; but this represents far the larger, and an ever increasing, proportion of positions.

[2] Decision of October 12, 1917, 24 Dec. Compt. 207.

[3] The case against the statute is conclusively and fully set forth in a report of the House Committee on Reform in the Civil Service, made August 8, 1918, recommending its repeal. Sixty-sixth Congress, 1st Session, House Report No. 272. See also *Congressional Record*, April 1, 1920, p. 5492.

salary by shifting him from a statutory position to one paid out of a lump sum appropriation.[1] This act was not directed primarily against inter-departmental transfers but rather against abuses of the lump appropriations to make unwarranted increases of salary within the departments. It applies, however, as against inter-departmental transfers as well.

Attitude of Reclassification Commission.—Discussing the several restrictions on inter-departmental transfers in relation to compensation rates just reviewed, the Reclassification Commission well says:

> Such restrictions, however good their intent, render transfers exceedingly difficult and tend to make the entire service immobile. During the last few years in particular they have worked a real hardship by preventing the more experienced and efficient employees from being transferred to other organizations where salaries were higher or opportunities for advancement better, Whatever justification may have existed for restrictions of this sort in the past will be done away with in the future under the new classification. Providing similar pay for the performance of similar duties throughout the service will do away with the temptation that now exists for one department to bid against another, and will tend to limit the desire of the employees to be transferred to cases where there is some real reason for a change aside from the prospect of salary increase.
>
> Under these conditions the Commission sees no danger in the removal of the present restrictions on transfers. On the contrary, it believed that such action would prove beneficial by increasing the mobility of the service and making possible the placing of employees where they can serve to the best advantage. General supervision over inter-departmental transfers would naturally be exercised by the Civil Service Commission under such rules and regulations as that Commission might prescribe. With the safeguards against abuse provided by the new classification and by the activities of the Civil Service Commission's representatives, it is believed that these rules might well provide that the initiative in a transfer could be taken by the employee concerned as well as by the head of the department to which the transfer is to be made. The ap-

[1] Act of August 26, 1912, 37 Stat. 626, as amended by act of March 4, 1913, 37 Stat. 790.

proval of the latter would, of course, be a prerequisite in all cases to favorable action by the Civil Service Commission; and the disapproval of the head of the department from which transfer is to be made should serve as a temporary bar to transfer, subject to appeal and final decision by the Civil Service Commission.[1]

One further restriction on inter-departmental transfers, of a comparatively minor character, should be mentioned—that providing that "no transfer shall be made to a competitive position above the lowest class in any grade unless the appointing officer shall certify that the position cannot be adequately filled by promotion." (Rule X, Section 1.)[2] This rule was promulgated by an amendment of 1904. The reason for this amendment as stated by the Commission was that "injustice is done when a person is brought into a department over the heads of those deserving promotion."[3]

This view, as already pointed out, does not take into account the fact that while those in the department may indeed be "deserving of promotion," there may often be in another department one equally or more "deserving," whose transfer, moreover, is demanded by the needs of the service. Occasions may arise in which a position can satisfactorily be filled by promotion but it is nevertheless desirable to fill it by the transfer of a person who is either specially suitable or for whom provision must in fairness be made because of conditions existing in the branch from which he is transferred. The rule should require merely that the Commission should be satisfied in each instance that the interests of the service will be subserved by filling the position by transfer rather than by promotion. Owing, however, to the absence of clearly defined grades over the major part of the service, and the fact that merely the certificate of the appointing officer, but no

[1] Report of the Reclassification Commission, Part I, p. 126.

[2] The rule further provides that "The Commission may, with the approval of the head of any department, adopt regulations applicable to the service in or under such department declaring what class shall be regarded as the lowest in any grade."

[3] Twenty-first Report of the United States Civil Service Commission (1904), p. 15.

proof before the Commission, is required to effect the waiving of this rule, it is not of any serious consequence as a restriction upon transfer.

The Reclassification Commission has taken a view on this point diametrically opposed to that taken by the Civil Service Commission. It has recommended that every vacancy in a higher grade be filled by transfer if possible; and that promotion be made only when there is no employee available for transfer.[1] While this proposal is doubtless in full accord with the theory of the extension of the area of selection from within urged in the foregoing pages, it is believed to go beyond the limits of practicability. To require an examination to be made in each case of the whole service for employees possibly available for transfer would seem an unnecessary labor. If the normal areas of selection from within are properly defined, it will be sufficient if special occasions calling for selection from without that area are brought to the attention of the appointing officer on the initiative of the Civil Service Commission in each individual case.

Absence of Means for Locating Eligibles for Transfer.— Another factor limiting the area of the service from which selection is made, is the absence of any adequate machinery for bringing before the appointment officer information regarding the material available in the area outside his personal cognizance. At the present time there exists no special machinery or procedure in the federal service for bringing the job and the man together in such a case. If news of the vacancy happens to come to the attention of a qualified person in the service, he may make application for a transfer, which will be granted on his securing the consent of the heads of both departments involved; but no official means or procedure exists for bringing the job to his attention, or for raising the question of transfer without his being compelled to take the initiative. No attempt is made, in advance of ordering an open competitive examination, to locate a possibly suitable person already in the service and bring about his transfer. The

[1] Report of Reclassification Commission, Part I, pp. 24, 138.

result is that every year large numbers of technical or quasi-technical positions are filled by appointment of persons from without the service which could as satisfactorily be filled from within the service, not only with less expense and delay but, far more important, with a resulting stimulation of ambition and enlargement of opportunity for the whole personnel—of first importance in improving morale and in improving also the caliber of the personnel that is attracted to and retained in the service.

This condition, which applies principally to the higher clerical, office manager, type of position, and to statistical and routine scientific work, could be readily and radically improved were the Civil Service Commission to develop such records as would enable it, when a vacancy arose in any service which could not to advantage be filled by promotion from within that service, to recommend for transfer to the vacancy one or more persons already in the service, to whom appointment to the vacancy would represent an advance in salary or responsibility.

A special phase of the work of the central personnel agency in the control of transfers is the shifting of subordinate personnel from department to department to meet the varying seasonal needs of the several departments. Exact data as to the possibilities of this feature of the federal service are not available, but it is more than likely that there are substantial possibilities for good.

Advantages of Recruiting Personnel at Washington from the Field Service.—A practice which does not appear to be in effect in any of the Government establishments to which it would be applicable, but which would seem to offer many advantages, would be that of recruiting the personnel at Washington, so far as practicable, not from outside the service, but from the personnel of the field establishments. Such a practice, of course, would be most readily applicable to those services which have comparatively large field establishments and comparatively small forces at Washington, but if applied on a departmental basis, or, as would be practicable, even on an inter-departmental basis, it could be made applicable in greater

or less degree to the recruitment of possibly a major part of the personnel at Washington.

The advantages of such a system lie in several directions. In the first place, especially if appointments to Washington were regarded rather in the nature of a detail for a term than in the nature of a permanent appointment, it would result in a continuous interchange of personnel between the field establishments and the departmental offices in Washington. An interchange of this kind is well recognized in large commercial and industrial organizations as in the highest degree beneficial. Where no such interchange of personnel obtains, it is almost invariably the case that the central office personnel fails properly to appreciate the conditions and the difficulties under which the field personnel works and that, conversely, the field personnel tends to be impatient of the requirements laid down by the central office with respect to the accounting, reporting, and related matters, the importance of which, for the purpose of central control is not clearly apparent to those in the field. Hence it is that prompt and willing coöperation between field and central establishments, one of the prime requisites of effective administration, is greatly facilitated by the practice of interchange of personnel here suggested.

Another advantage to which passing reference has been made already arises from the fact that the present system of selecting the personnel for the departmental service at Washington from the whole area of the country, as it necessarily does, frequently requires the appointing officer to select an eligible who resides at a considerable distance from Washington only to find long before the expiration of the probationary period that the appointee is unsuited for the work. The obvious difficulty in dismissing an employee under these conditions, at or before the end of the probationary period, not infrequently results in the retention of the incompetent or unsuitable employee beyond that period, which is equivalent to indefinite retention in the service. Under the system proposed, on the other hand, the appointing officer in Washington would not be compelled to select more or less blindly but would ob-

tain his personnel by selection from among the tried and tested employees of the field service who have been recommended by local superiors, familiar both with the work required at Washington and with the qualifications of the individual employee. Moreover, in such a case there would be no occasion for the drastic dismissal of the employee who has been brought to Washington. If the employee, when actually tested out, were found unsuitable, the situation could be cured merely by a re-detail as soon as convenient to the local service.

Closely related to this is the possibility that the application of this method would furnish a painless solution of the vexed problem of apportionment. Since the personnel of many of the field services is distributed over the country in approximate proportion to the population, the method suggested would furnish for these services a very natural application of the principle without the necessity for any such rigid mechanical methods of enforcement as are now provided.

From still another angle, the proposition is an attractive one in that it could readily be developed into a means of stimulating and rewarding the efforts of the local employees. The detail to Washington for a term of years could be made by attaching attractive salary conditions and by furnishing transportation to and from Washington, a prize to be contended for by the employee of the local service. Particularly would this be the case were any positive measures taken to afford the employee at Washington greater opportunity for taking advantage of its educational facilities, as urged in another place.

Obviously there are limits and the branches of the service differ materially in respect to what may be done along the line here suggested. Inasmuch as the whole proposition is, so far as official recognition is concerned, almost entirely novel,[2] it has not been thought worth while to inquire more particu-

[2] The extent to which the departmental and field services are now regarded as distinct is indicated by the fact that the Civil Service Commission regularly holds separate examinations for the position of field clerk and departmental clerk, though the scope and difficulty of the examination is the same in both cases.

larly, so far as such inquiry could be made short of actual experience, what these limitations are in the several services.

The political appointment of local chief officers is an important factor in hindering the extension of the area of selection from within in the field services. Under the method of political appointment, it is, of course, natural that the postmaster, collector, or district attorney be a resident of the district under his jurisdiction. From a purely administrative standpoint, there is, of course, no reason why this should be so; any more than it is thought necessary that an army officer placed in charge of one of the military departments into which the United States is divided need be a resident of that department; or, in the Forest Service, that the forester in charge of a national forest be a resident of the district in which the forest is located. The practice of appointing the head of the office from the locality results in a tendency to view the office as a whole as very much a local one, the personnel of which is to be treated as a local organization rather than as an integral part of the great national organization of which it forms a part. Only to a very limited, almost a negligible, extent is the subordinate officer in the local post office, the local custom house, or the local internal revenue office regarded as a member of a national service who may be assigned to service wherever his services can be used to the best advantage to himself and to the service. Only to a slight extent does he have any prospect of promotion other than what is offered within the particular station or office to which he is attached.

It is difficult to conceive of a scheme of organization better adapted to deprive the personnel of incentive for good work, to stifle ambition for advancement within the service, or to tie the hands of a central administration desiring to put its service upon a really efficient and economical basis. Once the headships of these local offices were placed upon a merit basis, there undoubtedly would develop in due course the complete "nationalization" of the whole service.[1] The chief positions

[1] It must be admitted that the merit selection of presidential postmasters does not as yet appear to have had any influence in this direction. The limitation of competition for the postmasterships, even of the larg-

in each office would be graded and classified with positions of comparable responsibility and difficulty in other offices of the service; and provision would be made whereby one performing distinguished service in one office might look for promotion to any one of the other offices in the country which might offer greater opportunities than the one with which he happened to be connected. In this way a postmaster who had distinguished himself by a reorganization or by a particularly efficient administration of a post office in a city of 250,000 might be promoted to the charge of the post office in a city of 1,000,000 and so forth. With such a "nationalization" of the service joined to a placing of the higher positions in the central administration at Washington upon a merit basis, the great field administration services of the government—the postal, customs, revenue, public land, and similar services—would indeed become a field attractive to men of ability and ambition, a field offering if not a "career" at least a distinct vocation.

The complete and immediate destruction of the tradition of local residence is not necessary; it could be broken down at first only to the extent of permitting the transfer of a postmaster to any post office in his state; and the area of selection would gradually be widened by districting the country.

The program here suggested for the postmasterships is, of course, equally applicable to the other classes of local chief officers, as soon as the President or Congress shall place their selection on a merit basis.

Before leaving the subject of the area of selection from within a word may be said with respect to the unclassified services which are on a merit basis—the Public Health Service and the Foreign Service. In the Public Health Service the regulations regarding entrance are such as to make transfer into the service impossible. In the case of the Foreign Service, a person in the employ of the State Department at a salary of $1,800 (whether in a classified or unclassified position) may be

est cities, to residents of the post office district has undoubtedly been a factor in sustaining the tradition of "localized" postal personnel. The fact that the system of selection has been one of recruitment and not of selection from within has been an equally important factor.

transferred to any grade of the Diplomatic Service, and a person so employed at a salary of $2,000 or more may be transferred to any grade of the consular service above that at which entrance to the service from outside is made; that is, above that of Consul, Class 8.

The diplomatic service and the consular service are regarded as distinct branches of the foreign service and transfers from one to another are not permitted "unless upon the designation by the President for examination and the successful passing of the examination prescribed for the service to which such transfer is made. Unless the exigencies of the service imperatively demand it, such person to be transferred shall not have preference in designation for the taking of the examination or in appointment from the eligible list, but shall follow the course of procedure prescribed for all applicants for appointment to the service which he desires to enter."

It is rather difficult to perceive the reasons for this apparent desire to prevent movement from one to the other of the branches of the foreign service.

Technical Obstacles to Selection from Within.—It remains to consider certain technical obstacles to the application of the principle of selection from within which have developed in the federal service not out of considerations of general personnel policy, to which they are indeed in every case directly opposed, but out of technical or financial conditions. The effect of the technical obstacles is, in some cases, not merely to compel a resort to general competition where selection from within would equally well or better serve the interests of the service but actually to make impossible selection from within, in effect awarding a preference in selection to those outside the service.

The first of these obstacles to selection from within is the line of division between the competitive and the excepted positions. It obviously would be violative of the principle of competition if one who entered the service in an excepted position were permitted to be promoted or reassigned to a competitive position, and except in one or two insignificant special cases the rules consequently do not permit this to be done. Thus

it may result, and occasionally does result, that though the interests of the services would in the particular instance best be served by a promotion or reassignment of this kind, it cannot be made.

Except in the single matter of the promotion of unclassified sub-clerical employees to competitive clerical positions to which reference already has been made, the law and rules recognize no method by which one holding an unclassified position may be given a classified status by any method other than original entrance; and again, within the classified service, with minor exceptions, no person holding an excepted or non-competitive position can be given a competitive position.

Again the converse situation may present itself, and since the excepted position is more commonly found in the higher levels of the service this is indeed more likely to occur. It may be desired to promote or reassign a competitive employee to an excepted position. There is, of course, no rule whatever preventing this. But should the employee accept the position or reassignment he would lose his classified competitive status and the protection against removal, both legal and traditional, which this implies. Hence the result is not infrequent that the competitive employee declines a favorable reassignment rather than incur the risks attached to the loss of competitive status.

Being designed to protect the competitive principles against evasion, these restrictions, of course, are wholly justified and some may even think them not sufficiently rigid. They must be borne with as a necessary evil so long as the competitive principle receives only limited acceptance in the federal personnel system; but they furnish an additional reason for the contention already advanced on other grounds, that the present division of the service into classified and unclassified groups, and competitive and excepted groups, is an impediment to effective personnel administration and should be eliminated.

Another necessary restriction on free movement within the classified competitive service itself arises out of the apportionment principle. That principle which is laid down in the civil service law (Section 2, *Second,* Third) requires that "as nearly

as the conditions of good administration will warrant . . . appointments . . ." to positions in Washington "shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population." It is to be noted that the act refers specifically to "appointments"; but the rules endeavor to apply the principle also to transfers from a "non-apportioned" to an "apportioned" position. Where the state of which the person proposed to be transferred is a resident has already received an excessive share of appointments (or transfers) the transfer can be effected only by the special permission of the Commission on certificate of the appointing officer that the transfer is required in the interests of good administration, setting forth in detail the reasons therefor. (Rule X, Paragraph 8, B.) The Commission, in an official circular, has further interpreted this requirement as follows:[1]

It must be shown that the employee possesses qualifications not possessed by persons tested by competitive examinations, or some unusual or highly technical knowledge, ability, or skill which is required for the most efficient performance of the duties of the position to which his transfer is sought, which

[1] "Information Concerning Transfers." United States Civil Service Commission, Form 305, December, 1917, page 5. The distinction between apportioned and non-apportioned positions and the method of applying the rule of apportionment in original appointments are discussed in the chapter dealing with recruitment methods in the classified competitive service. The following rulings of the Commission relative to the application of the apportionment rule in transfers are of interest here.

"When an employee is proposed for a transfer involving a charge to the quota of a State or Territory already in excess under the law of apportionment the transfer may be allowed so far as the apportionment is concerned (1) if at the time of the proposed transfer the State or Territory of residence of such employee is within reach of certification from the register appropriate for the position to which transfer is proposed; or (2) if transfer is requested during the life of the register from which he was appointed to the non-apportioned service and if the State or Territory of his residence is reached." (Minute of Commission, March 7, 1910.)

"In view of the necessity for change of climate after service in the Tropics, as shown by the orders and practice of the War Department, and as recognized by the Commission in transfers from the Philippines, such orders and practice will be regarded as indicating that such transfers are required in the interest of good administration where employees proposed for transfer from the Isthmus have rendered three years or more of satisfactory service and are otherwise eligible. The apportionment will be waived in all such cases." (Minute of Commission, July 18, 1910.)

it would be difficult or impossible to obtain through the usual methods of filling such positions. This showing must be made to the satisfaction of the Commission.

A final limitation upon the freedom of the appointing officer to select from within the service arises from the distinction between statutory positions and those the salary of which is paid from lump sum appropriations. In a preceding chapter this distinction was explained and the view taken not only that the actual application of the distinction was wholly illogical and not explainable upon any consistent basis but that the whole theory of statutory positions was radically incorrect from the standpoint alike of personnel and of financial administration. In the present connection the additional fault is found that this useless and improper distinction is made the basis for a limitation upon the freedom of the appointing officer in selecting from within the service, and may even necessitate a resort to general competition where selection from within the service would be wholly adequate.

By Act of August 26, 1912,[1] it was provided as follows: "Nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump sum appropriation at a rate of compensation greater than such specific salary." [2] The term "specific salary" in this act has been construed to have the same meaning as "statutory" salary. The effect of this provision is consequently virtually to close to the employee so unfortunate as to be appointed to a statutory position all hope of advancement except by promotion to another statutory posi-

[1] 36 Stat. 626. This act applied only to the fiscal year 1913. By act of March 4, 1913 (37 Stat. 790), the provision was made permanent.

[2] The section also requires that "heads of departments shall cause this provision to be enforced." In the same section is contained the restriction already referred to in the chapter dealing with compensation, prohibiting the payment of personal service at a rate of compensation in excess of that paid for the same or similar service during the preceding fiscal year. The section also contains a proviso "that this section shall not apply to mechanics, artisans, their helpers or assistants, laborers, or any other employees whose duties are of similar character, required in carrying on the various manufacturing and construction operations of the Government." While in terms this proviso applies to the entire section, its specific application is chiefly if not solely to the provision just referred to regarding payment at rates in excess of those paid in the preceding year.

tion, in which case his situation as respects subsequent promotion is again the same. It is exceedingly difficult for him to obtain from Congress an increase in the statutory salary which he enjoys and it is against the law for his administrative superior to promote him to a position at a higher salary, which is paid out of a lump sum appropriation. Under these circumstances, it is not surprising that not a few incumbents of statutory positions found the sole avenue of escape in entering open competitive examinations and securing original appointment to the service at increased rates of compensation. As applied to appointment within the same department, however, the Comptroller of the Treasury soon ruled that this procedure was an evasion of the law when, as was almost always the case, the position to which appointment was made was paid from a lump sum appropriation. As respects appointment to other departments, on the other hand, Congress, in 1917, enacted the statute to which reference has already been made, prohibiting the payment out of a lump sum appropriation, to any person hitherto employed in another department, of a higher salary than he received in such department, within one year after the cessation of his service in the first department. In short, in the attempt to prevent possible minor abuses in the fixing of compensation rates by administrative officers, made possible only by its own complete failure to provide a standard classification of duties and a standard scale of compensation rates, Congress, by successive enactments, has built up around the unfortunate incumbent of the statutory position a prison from which there is hardly any escape except by resignation from the service.

One may derive a certain satisfaction in the contemplation of this sorry history from observing how completely Congress has failed to place any restriction whatever in the way of reassignment from one "lump sum" position to another. As was set forth in the preceding chapter, the number of positions and the payroll totals paid from lump sum appropriations greatly exceed those on the statutory rolls. The apparent failure of the Congressional committees to appreciate the inconsistency in the legislation which they have developed on this

head is indicative of the lack of comprehensive study and planning which has been so characteristic of nearly all Congressional action in personnel matters.

CHAPTER IX

METHODS OF SELECTION FROM WITHIN: REASSIGNMENT AND PROMOTION

To consider methods of selection from within before considering methods of recruitment may at first sight appear illogical. In the life history of the employee, recruitment must precede promotion or reassignment; and in the construction of a new personnel system, the first step must be that of recruitment. In a well established, going organization such as the federal service, however, recruitment should be resorted to only when selection from within does not promise satisfactory results. From the standpoint of a going concern, therefore, a discussion of the methods of selection from within logically precedes a consideration of methods of recruitment.

Promotion and Reassignment Distinguished from Increase of Compensation.—At the outset promotion and reassignment should be clearly distinguished from a mere change in compensation. The former, in their proper senses, are methods of selection from within the service for a particular post, and imply selection for a position which is rated as of a different grade than the one formerly occupied. A mere salary change, on the other hand, has nothing to do with selection for a vacancy. There is no selection of a particular employee for a particular post. The employee continues to perform the same duties in the same position, but at a different rate of compensation.

Obvious as this distinction is, it has been necessary to point it out, since it is one that must be kept in mind constantly in endeavoring to think clearly about matters of personnel, and because, despite its obviousness, it is so frequently lost sight of in discussions on the subject. Methods adapted for determining salary increases are wholly unsuitable for determining

selections for posts of greater responsibility. The absence of well defined titles with precise descriptions of duties is the condition primarily responsible for a failure to appreciate this distinction. Where such a classification exists, the difference between a mere increase of salary within the same class of duties, and a change in duties involving a clearly higher responsibility, is clear to every one. At this point, therefore, as at so many preceding and subsequent points the fundamental value of a clear classification of positions again reveals itself.

Reassignment versus Promotion.—The consideration of reassignments together with promotions may not be clear at first sight. To the employee, a promotion generally means a much greater advance in compensation than does what commonly goes by the name of a reassignment; but looked at as operations of the personnel system, both are designed to move an individual to a position in which he will be of greater value to the service. The primary difference between the two is that, in promotion, the position to which the employee is moved is recognized as being so much higher in responsibility or difficulty as to be in a higher grade, whereas, in reassignment, the difference is not sufficient to constitute a difference in grade. Again a notion of permanency is associated with promotion, whereas reassignment carries with it no such element. A final distinguishing feature of reassignment is that it may involve, in some cases, a mere change of position and duties without any change in the degree of responsibility or in the difficulty of the duties. Even in this case, however, the process, from the standpoint of personnel administration, has the same object; that of selecting an employee for a position in which he can render better service.

Reassignments of another type are sometimes encountered, especially in large services with a considerable number of persons performing the same services on a standardized basis. An employee may be moved from one part of the organization to another where he continues to perform the same duties. Such reassignment may be made to meet changes in the needs for service or they may be made to meet the personal preference

of the employee. Reassignment to a position involving the same duties and responsibilities in another branch of the organization, made merely to meet a change in the flow or load of work, is generally a purely administrative matter outside the field of personnel administration. Reassignments to meet the personal preferences of the employee involve questions of maintaining the general morale and individual efficiency and will receive consideration in the chapters dealing with this subject.

In approaching the subject of the methods of reassignment and promotion mention should be made again of the numerous restrictions in current statutes and rules which limit the power of administrative officers formally to reassign personnel from one branch of the service to another. Those restrictions have been fully discussed already in the preceding chapter and need not be reviewed here.

Reassignment Involving No Change of Compensation or Grade.—No adequate organization or procedure has been developed in the federal service for studying the special qualifications or preferences of individual employees or the special requirements of particular positions with a view to a matching of the two. Nor in few, if any, services are vacancies in the several divisions subjected to systematic scrutiny by the administrative officer for the purpose of selecting the most deserving employees for the positions which hold greatest promise of promotion.

In a small bureau, a single central personnel officer is able to keep watch over the whole of the personnel and organization. In the larger bureaus or services, however, such a single central officer will not be sufficient. Responsibility for studying the personnel and the current changes in organization must be developed at lower levels. In each major division, and, if the size of the organization justifies, in each unit of each division, such a study should be the definite duty of some capable assistant; and those so detailed should be brought together in a central organization for conference and decision, headed, perhaps, by the chief personnel officer of the bureau or service.

Through such machinery far greater assurance can be had than under present conditions that the work and the employees will be properly matched; and that opportunities for reassignments making for greater efficiency or more harmonious working relations will be revealed and utilized.

Reassignment from one bureau or service of a department to another is naturally much less common than is reassignment within a given service or bureau, and, as already seen, the restrictions upon such reassignment are more severe. Here, too, however, an elaboration, for the department as a whole, of the machinery suggested for a single bureau or service for developing opportunities for reassignment is greatly to be desired. A periodical conference of personnel officers of the several bureaus or services of a department would be an effective way of accomplishing this end.

Such a conference, however, need not consist of a single officer from each unit. If the personnel falls, as it usually does, into distinct classes, it may be desirable to designate an officer for each group, and for the officers interested in cognate groups only to meet for interchange of opinion or for joint decision. This latter type of organization is especially adaptable to the federal service as a whole. With respect to so large a group as the clerical services, an organization of this kind would be confronted with a fairly sizeable task but one which, if the lower units were functioning properly, would be readily manageable. In other services, however, as, for example, in the chemical and medical and engineering services, the area covered would be so small as to make any elaborate or expensive organization of such central group unnecessary.

The several departments having developed no organization for their individual use have not coöperated, of course, in developing an organization for the reassignment of the personnel from one department to another; and under the existing restrictive regulations, designed to prevent the free movement of personnel from one department to another, it must be admitted that such an organization or procedure could find but little scope for usefulness.

The failure of the several departments up to this time to make any greater progress than above indicated in the development of definite organization and procedure for handling matters of reassignment of personnel is to be charged primarily to the departments themselves and perhaps especially to the personnel officers of those departments. The office of appointment clerk in the several departments has been regarded as in the nature of a clerical rather than an executive, administrative, or even consultative post. Had this not been the case it is certain that this important matter would have received attention. The Civil Service Commission, however, must bear its share of the responsibility. Had it construed its functions properly it would have taken the initiative in assisting and urging the departments towards the development of an organization of this type.

In this connection should be considered the desirability of giving special attention to the assignment of new recruits. In some cases duties are so specialized and vacancies so infrequent that the process of selection is designed solely with an eye to those peculiar duties. The persons selected are thus automatically assigned to those duties; and if they fail to suit, cannot be turned to other use. In other cases, appointments are so frequent and numerous that considerable latitude is left for administrative discretion in determining the particular duties or place to which each recruit is to be assigned and, more especially, for observing the performance of the recruit during the first few days or weeks of employment with a view, if necessary, to reassigning him or her to more appropriate duties. It is the well nigh universal experience in personnel management that the mere interest of the administrator in securing the effective performance of his work does not suffice to insure that he will give adequate attention to this matter. Unless special means are taken to insure that the work of the recruit is carefully observed and consideration given to the desirability of reassignment, the matter will be substantially neglected.

Special measures to be taken under this head consist in

the institution of a procedure for a regular report by the immediate superior of the recruit, at frequent intervals during the first few months of the recruit's service, to the administrative officer charged with responsibility for the work of locating each member of the force at a point where he will be of greatest service.

Reassignments Involving Increase of Compensation.—In respect to the methods to be used in selection, reassignments involving increase of compensation do not differ materially from reassignments involving no such increase. The application of correct methods is, however, in such cases, more important. A reassignment involving increase of compensation is, from the standpoint of the personnel system, merely a selection of the employee best qualified for the new assignment. From the standpoint of the employee, however, it is also a reward for previous faithful and efficient service. In many cases the employee most fit for the reassignment is also the most deserving of recognition as a reward for previous service. Not infrequently, however, cases arise where the employee peculiarly fitted for the vacancy is not, from the standpoint of length, or even efficiency, of service, the most deserving. His selection, though seemingly advantageous, may thus result also in a loss of zeal, or even discontent, on the part of other employees. The administrative officer is here confronted with two opposing considerations, and the choice between them must be made purely on the basis of the balancing of the two. The same considerations apply, though perhaps even more sharply, in the case of promotion. To devise any mechanical procedure for this purpose would be difficult if not impossible.

The Case for Formal Promotion Methods.—Where, however, the increase in responsibility and compensation is as great as is usually the case in a promotion, the case for restricting the free discretion of the administrative officer by some formal method of selection for promotion is much stronger. There is thus presented one of the most difficult questions encountered in the whole field of personnel administration—that of formal methods in selecting for promotion. That the use

of such aids to judgment is highly desirable need hardly be stated. A mistake in promotion is, generally speaking, far more serious than a mistake in recruitment. An error in recruitment, especially in the lower grades, may usually be more or less completely remedied by the reassignment of the individual selected, or in extreme cases by his dismissal before or at the end of the probationary period. In the case of promotion, however, a selection once made is generally difficult to unmake. The officer having responsibility, therefore, should employ whatever aids suggest themselves to him as worthy to assist his judgment. The use of service records or efficiency records, covering the service of the employees from among whom selection is to be made for a considerable period, is manifestly highly desirable. Unless the employees are few in number, the administrative officer without such aids is apt to overlook or forget past incidents, facts, or pieces of work, which may have an important bearing upon the determination of relative merits of the several employees for promotion.

It is evident that aids to the administrative officer in selecting employees for promotion may be of two kinds: those voluntarily established by him and those required by statute or some superior authority. It is with the latter only that the consideration that follows has to do.

In the later discussion of formal methods of recruitment, it will be pointed out that, although those methods originated solely in the desire to restrict the discretion of administrative officers, for the purpose of preventing the familiar abuses that develop in the absence of formal methods, they are basically justified by the inherent requirements of recruitment itself. Even if the discretion of the administrative officer in respect to recruitment is left unhampered, he must, unless his selections are to be determined wholly without reference to the needs of the service, employ methods not unlike those developed in response to the demand for civil service reform. In promotion, however, the situation is entirely different. Here, in all but the largest organizations, the administrative officer is in such close touch with his subordinates that a formal process of se-

lection for promotion is not imperative. When a vacancy arises which may be filled by promotion, the administrator usually knows almost as a foregone conclusion the employee most suitable for promotion. Even if the administrator is without personal knowledge of the eligibles for a given promotion, they are seldom so numerous as to make impracticable selection by a personal canvass of their relative merits. The imposition of formal methods of selection can thus be justified, if at all, only on the ground, either that they tend to result in a better selection than would the informal exercise of judgment by the administrative officer, or that some more or less mechanical restriction on the discretion of the latter is necessary to prevent the abuse of that discretion for political or personal reasons.

The employment of formal methods of selection for promotion thus, in hardly any case, springs from any real need for such methods inherent in the process itself. Their use can be justified, therefore, only on the ground of the necessity for some restriction on the discretion of the administrative officer. The chief reason why such restriction may be deemed desirable is, of course, the need for preventing the entrance of political or other improper considerations in making selection for promotion.

The exclusion of political or personal considerations from promotion is no less important than their exclusion from recruitment. Where the entire system of recruitment is dominated by politics, the whole personnel system is, of course, poisoned at its source. Where, however, politics does not completely control the appointment process, but merely occasionally influences a selection for appointment, the consequences are, in most cases, not nearly so serious as in the injection of political considerations in matters of promotion. The reason is obvious. The political appointee merely prevents the appointment of one, who while actually more deserving, has nevertheless no special claim upon the position; but the political selection of one employee for promotion as against other employees actually deserving of the promotion, deprives the

deserving employees of perhaps the chief reward for which they have been striving during long years of service. Even an occasional political promotion is thus a severe blow at the integrity of the personnel system.

The elimination of political consideration from promotion is not, however, the only purpose for which formal methods of selection may be instituted. Closely related to it is the desirability of giving the employees that assurance of impersonal fairness in making promotions which the use of formal methods provides. Though administrative officers may not be actuated by personal or political considerations, nevertheless a feeling not infrequently arises among the employees that such motives do have weight. Incidentally it may be remarked that, in not a few instances, the employees in daily working relations with the person selected for promotion are in a better position to form an estimate of his capabilities and limitations than the superior whose contact with him has not been so intimate. Whether this is so or not, the fact remains that in most large organizations, public or private, the uncontrolled exercise of discretion in selections for promotion almost invariably tends to result in general dissatisfaction. For this reason the use of formal methods of selection for promotion may be regarded as inherently desirable.

The extent to which formal methods of selection for promotion should be employed in the federal service depends, therefore, upon the answers to two questions: the extent to which present conditions in the federal service warrant the belief that formal methods of selection for promotion are necessary to prevent improper considerations in making promotions and the extent to which it is practicable to impose formal methods of selection for promotion which will be actually effective in securing a selection of the most deserving. It is not to be assumed, as is so often done, that rigid restrictions on the discretion of the administrative officer in making promotions are *per se* desirable and beneficent. In point of fact, as is common knowledge among those who have given the subject any first-hand study, the development of safeguards of

this character, which will not impair the efficiency of the selective process, is a matter of extreme difficulty. Particularly is this so if such safeguards take the form of positive mechanical methods of selection—as by seniority, efficiency records, or examination.

Existing Promotion Methods.—In seeking an answer to the two questions that have been propounded it is desirable first, to determine the current situation in the federal service, both as to the existence of formal methods of selection for promotion, and, where such methods of selection do not obtain, the extent to which political or personal considerations now tend to influence, if not control.

The slight provision now found in the federal service for substituting formal methods of selection for promotion, in whole or in part, for the discretion of the administrative officer falls under two heads: central and departmental. The central restrictions are imposed upon the departments by statutes, civil service rules, or executive order, and are beyond the control of the department itself.

Central Restrictions.—In the preceding chapter mention was made of the requirement in the classified service for examination by the Civil Service Commission when a person is proposed for promotion to a position the entrance tests for which are different from those for the position then held by the employee. In that chapter, this provision was considered from the standpoint of its effectiveness in ensuring that, if the administrative officer selects from within, the person selected shall be at least of a minimum capability. This provision, of course, is also in effect a restriction upon the discretion of the administrative officer in making selection for promotion. It is, however, of a wholly negative character, merely preventing him from selecting one so wholly below a proper standard of capacity as to be unable to meet even the qualifying rating set for the examination. In subsequent sections dealing with positive methods by which the actual selection of the particular employee is determined, discussion will be had of efficiency records and also of competitive examinations for promotion.

The use of either of these methods as a positive means of selection may, and almost invariably does, imply the setting of a minimum standard of attainment either on efficiency record or on the competitive examination, which is a prerequisite to selection for promotion. Again, even where the system of selection by seniority exists, a minimum requirement may be set. In all these latter cases, however, the existence of a minimum requirement is of secondary importance since the method itself involves a more or less complete suppression of the discretion of the administrative officer by a more or less mechanical method of selection; so that it is not highly material whether there is also incidentally a negative restriction in the form of a minimum requirement.

Wholly logical as is the requirement of a minimum standard of efficiency for promotion, it appropriately finds its place chiefly in a personnel system which has not yet emerged from the stage of political domination in its grossest form. Once that stage is passed, it is altogether unlikely that the administrative officer will so far set at naught the requirements of efficiency as to select for promotion one so devoid of capacity as to have been unable to obtain even the required minimum on his efficiency rating or on the qualifying examination.

The civil service rule bearing upon promotion (Rule XI) enjoins upon the Commission the principle that "competitive test or examination shall, as far as practicable and useful, be established to test fitness for promotion in the classified service." (Section 1.) The Commission in 1910 stated that "in promotion from one grade to another it is believed that examinations now prescribed by the rules may profitably be made competitive where there is a sufficient number of employees to justify it." [1] Nevertheless the Commission, in no single case, has required that an examination for promotion within the competitive service shall be competitive. The only instance in which the competitive method, involving competitive examination by the Commission, is now employed, is in

[1] Twenty-seventh Report of the United States Civil Service Commission (1910), p. 27.

connection with the promotion of persons in the labor class, in the so-called sub-clerical capacities of watchmen, messengers, and the like, to the position of clerk in the classified service. Under the regulations, competitive examinations are held for such promotions, to which all persons within the departments eligible to promotion compete and a single eligible list is established for the entire department. The competitive feature of these examinations is, however, rather more nominal than real. Inasmuch as the number of candidates is always small in comparison to the clerical requirements of the department, virtually every sub-clerical employee who passes the examinations is eventually appointed. The only effect of the examination is thus to determine the order of priority in which promotions shall be made, not to select for promotion one from many, as would be the effect were the competitive method applied to the more important promotions in which the supply of eligibles is far in excess of possible demand.

In the unclassified services, the statutory or other central requirements regarding promotion methods are equally minor. The most important are found in the case of the commissioned officers of the Public Health Service and the Coast and Geodetic Survey. In the Public Health Service there is a statutory restriction which provides that: "No officer shall be promoted to the rank of passed assistant surgeon (the second grade of the service) until after four years of service and a second examination as aforesaid;[1] and no passed assistant surgeon shall be promoted to be surgeon until after due examination."[2] No statutory provision exists with reference to promotion to the rank of senior surgeon or assistant surgeon general. In the Coast and Geodetic Survey the law requires examination prior to promotion to any grade lower than the head of the organization.[3]

In the foreign service, the executive order of 1906, estab-

[1] The reference is to the provision for entrance examination made in the preceding section, which requires "a satisfactory examination in the several branches of medicine, surgery, and hygiene before a board of medical officers of the said service."

[2] Act of January 4, 1899 (25 Stat., 639).

[3] 40 Stat., 88.

lishing the present system of examinations for admission to the consular service, makes the following provision relative to methods of promotion in that service (Section 10):[1]

No promotion shall be made except for efficiency, as shown by the work that the officer has accomplished, the ability, promptness, and diligence displayed by him in the performance of his official duties, his conduct and his fitness for the consular service.

In the diplomatic service it is enjoined by the order of 1909, which established entrance examinations for this service (Sec. 2), that "there may be no promotion except upon well established efficiency as shown in the service." These requirements have in both cases manifestly only a moral value.[2] Over the remainder of the foreign service no central regulations are applied. It need hardly be added that in the various agencies whose personnel is excepted in whole or in part from requirements of the civil service law there exists no statutory restrictions regulating promotion, nor is any procedure imposed by civil service rule or executive order.

Departmental Restrictions.—Passing now to the provisions which have been made by the departments themselves for regulating promotions, it may be said with substantial accuracy that such regulations exist over an area of the service so small as to be almost negligible. In the departmental service at Washington orders are to be found in most of the departments calling for the maintenance of service or efficiency records for most classes of employees. The forms provided for the maintenance of these records and the regulations governing the making of the entries themselves are extremely diverse.

[1] It is also provided in the section (Sec. 1) providing for the filling of all grades above that of consul class 8 by promotion, that such promotion shall be "based upon ability and efficiency as shown in the service."

[2] The unregulated discretion in making selection for promotion in the consular and diplomatic services now vested in the President is not qualified even to the extent of requiring that a consul or secretary serve a given length of time in any one grade (or any time whatever) before promotion to the next higher grade. The policy represented by such a regulation, however, is adhered to in practice except under very special circumstances. (Report on the Foreign Service, National Civil Service Reform League, p. 61.)

Consideration of these variations, so far as it is practicable, is reserved for a subsequent section in which the place of efficiency records in the process of selecting for promotion is separately discussed. For the present purpose it is sufficient to say that in virtually no case is controlling force accorded to these records. They are regarded almost invariably as a mere guide to the discretion of the administrative officer.[1]

In the foreign service, in the student interpreter corps, a system of qualifying examinations is in force as a prerequisite to the advancement from the grade of interpreter to that of interpreter qualified for the post of assistant Japanese, Chinese, or Turkish secretary, and again from that rank to the rank of interpreter qualified for the grade of consul or for the post of Japanese, Chinese, or Turkish secretary, and, subject to such examination, promotion to these grades is by seniority. Within the consular and diplomatic services proper, however, no formal promotional procedure is prescribed.

In the Public Health Service, by departmental regulations, promotions from the grade of assistant surgeon to that of passed assistant surgeon, and from the grade of passed assistant surgeon to that of surgeon are governed by seniority, and must be awarded at the end of a given period of service (fixed at four years in the first grade and at eight years in the second grade), upon the passing of a qualifying examination. As will be pointed out subsequently, however, the mandatory and well nigh automatic promotions thus found in this service do not in themselves represent actual selection for advancement but merely the attainment of a higher rank and salary. The regulations of the Public Health Service provide for the periodic promotion of the noncommissioned staff known as the scientific personnel, which is divided into six

[1] In the examining force of the Patent Office is encountered a system of efficiency records and competitive examinations which, in conjunction with length of service, are actually given controlling force in determining the selection for advancement from one grade to another. The grades in question, however, do not represent changes in duty but merely in compensation rate, and the system in question, therefore, is not regarded as a system of selection for promotion but merely as one of selection for increase of compensation and is accordingly discussed in a subsequent chapter dealing with that subject.

classes. Promotions from Class VI through the intermediate grades to Class III are made after certain years of service and after passing a satisfactory examination. Promotions to Classes II and I are made only when a vacancy exists and after a review of the officer's record by a board of regular commissioned medical officers. Within each grade the promotions are governed by seniority. As in the case of the commissioned officers the promotions do not represent selection for advancement but merely the attainment of a higher rank and salary.

With the minor exceptions just reviewed, therefore, it may be said that the system of selection for promotion now prevailing in the federal service is that of substantially complete discretion in the hands of the administrative officers, qualified only in the competitive service by the requirement of a qualifying examination by the Civil Service Commission where the entrance tests for the position to which promotion is proposed are substantially different from those which the employee passed in obtaining his existing civil service status. The promotion system thus presents a strong contrast to the recruitment system prevailing over the major portion of the service. As opposed to that system it offers but few and weak safeguards, in the shape of restrictive law or surveillance by the Civil Service Commission, against the entrance of political considerations or of personal favoritism.

In the absence of such safeguards, it is important to determine the extent to which such improper elements actually enter in the promotion process. Such information is necessarily preliminary to any discussion of the need for additional safeguards in this direction.

Political or Other Improper Influence in Selection for Promotion.—It has been pointed out that the two major factors in the federal personnel system which make for the persistence of political considerations in personnel matters are: the political selection of the higher administrative officers; and the intervention in personnel matters of politicians outside of the service, and more particularly of members of Congress. Were both these factors eliminated, that is to say,

were the administrative officers and all subordinate employees throughout the services selected on the basis of merit, and were an effective embargo placed upon attempts by persons outside the service to influence the action of administrative officers in personnel matters, the need for guarding against the intrusion of political considerations in promotion would virtually disappear. So long as these obvious steps for the exclusion of political considerations from the personnel administration of the federal government remain to be taken, the possibility of political influence as affecting promotion is one which must be reckoned with. To meet it appropriate restrictions upon administrative discretion must be devised of a form and extent proportionate to the danger thought to exist.

It is unfortunate that the facts regarding this matter are extremely difficult, if not impossible, to obtain; and, where obtained, necessarily have application only to the particular branch of the service covered. Any attempt to appraise, in quantitative terms, the extent to which considerations, other than those of the good of the service, actually enter, or govern in the manifold divisions and services of the federal service, would obviously be futile. There is no method available to the individual inquirer of getting at the facts or any significant portion of them.

In 1899, the Civil Service Commission commented as follows on the situation then existing with reference to the intrusion of political or other improper considerations in selection for promotion:

> At the time of the organization of the Commission the need of promotion regulations was considered so important that in its first report the following language was used:
>
> The principal causes of unjust promotions, in the absence of examinations, are (1) importunate solicitation and coercive influence from the outside, and (2) prejudice, favoritism, or corruption on the part of the appointing officers. We need not stop to inquire which class of these abuses is the most frequent or pernicious. . . . The outside interference is far more indefensible, if not more pernicious, in regard to promotions than in regard to original admissions, for the importunate

backer of a new man may perhaps know something of the merits of the friend he pushes; but it is sheer presumption for an outsider, ignorant as he must be of the duties of those in a bureau, to assume to instruct the officer at the head as to the merits of those who have served under him for years. Nevertheless, and in plain repugnance to the spirit of the tenth section of the civil service act, the duty of promoting is now seriously embarrassed by solicitations and the coercive influence of persons having no right of interference nor means of judging of the usefulness of the candidate.

This subject is so closely related to good administration that it has since been discussed in nearly all of the later reports of the Commission. While the civil service act provides for promotion examinations, and provisions to this effect were included in previous civil service rules, practically no progress was made in putting general promotion regulations into force until 1896, when the Commission suggested that a rule governing promotions be incorporated in the revised rules. Rule XI was accordingly promulgated by the President, and the Commission thereupon proceeded to formulate promotion regulations, which were submitted to the several Departments. Promotion regulations have been adopted by some of the Departments while others have thus far taken no action on the suggestions of the Commission. As appointments to classified positions are now made as a result of tests of fitness and without regard to influence, it has followed that the influence which was formerly exercised to control appointments as well as promotions is now directed to the control of promotions, in the absence of regulations requiring that they shall be made only upon merit.

It is to be regretted that more progress has not been made toward adopting promotion regulations. . . . Promotion regulations cannot be put into force as required under the civil service act and rules without the full coöperation of the officers in the different branches of the service, and it is deemed proper to state that the Commission has not met with that coöperation which is necessary to a fulfillment of the requirements of the law in this respect. It is hoped that the need of promotion regulations, which has already been recognized in a number of the branches of the service, will result in their being put into operation throughout the entire service, so that promotions may be made only upon merit.[1]

[1] Sixteenth Report of the United States Civil Service Commission (1899), p. 13.

This statement represents the most recent positive characterization by the Commission of the actual condition with respect to political pressure in promotions. In 1906, the Commission stated that "while it is undoubtedly true that a bureau chief or the head of any office may be able to decide better than any examination can the relative fitness of employees in his office, it is unfortunate that he is not always allowed to exercise that discretion unhampered, owing to pressure exerted by outside influence." [1] Except for this somewhat intangible characterization, the Commission, though it has on several occasions discussed the problem of promotion methods, has never ventured, since its report of 1899 just quoted, any direct statement as to the extent to which political or other improper elements actually enter into selection for promotion.

As has been set forth already, where the problem of the elimination of political consideration from selection is considered, the postal service has been historically the chief concern of the civil service reformer. The process by which the system of competitive selection has gradually been extended over virtually the whole of the enormous personnel of that service has been traced in some detail. It is all the more remarkable that there has been so little development in this great service toward a formalization of the methods of selection for promotion, so as to insure the elimination of political considerations and to promote the morale of the service. In a subsequent chapter mention will be made of the methods now in force in the postal service and in the railway mail service for controlling increases of salary within grades. All those methods have reference, however, solely to the increase of salary within grades or within a given class of positions. So far as present information shows, no progress has been made for the development of similar methods in determining selection for promotion; that is, for example, for determining which of a number of clerks shall be made superintendent of mails, or

[1] Twenty-third Report of the United States Civil Service Commission (1906), p. 5.

superintendent of deliveries in a city post office; or, which of a number of senior foremen in the railway mail service shall be made a division superintendent. In the absence of such formal methods, it is probable that the political tradition which so long dominated the postal service has not been entirely eliminated in this field. That some consideration is still given to politics in this service would seem to be frankly recognized by President Wilson's Order of February 16, 1917,[1] providing that, in the promotion of postal employees to the position of Post Office Inspector, the Postmaster General should apportion the promotions fairly between the two chief political parties.

The evidence available points to the same conclusion, as would be suggested *a priori,* that the extent to which political considerations control promotions varies widely in the several services. In some branches, especially those where the work is distinctly scientific and technical, the discretion allowed in no wise has been abused but has been governed uniformly by considerations directed solely to the good of the service. In the other branches political influence undoubtedly plays no small part. Nevertheless, it would seem fair to say that, although existing conditions point to the need of some measure of limitation on the discretion of administration officers to prevent the intrusion of political considerations in promotion, the situation does not call for any such rigidity or restrictive procedure as has been applied in the case of recruitment.

A need undoubtedly exists, varying widely from one branch of the service to another, and from one class of employees to another, for formal methods of promotion. The employment of such methods is, as has been pointed out, inherently desirable in order to improve the morale of the service. The question remaining is to ascertain the extent to which it is actually practicable to devise formal methods that will result in the promotion of the most deserving and best qualified. To that inquiry the remainder of this chapter is devoted.

[1] Thirty-fourth Report of the United States Civil Service Commission (1917), p. 118.

The Technical Problem of Formal Promotion Methods.—The devising of formal methods of selection for promotion which shall effectively pick out the best qualified is one of the most difficult problems in the whole field of personnel administration. The difficulties are far greater than those encountered in devising formal methods of recruitment; and the consequences of improper selection far more serious. If the methods of recruitment result in the selection of a less capable as against a more capable applicant, the fact is known, if at all, only to the few concerned in the work of recruitment. But if promotion methods fail, the fact is known to all the personnel affected, and, more surely and universally than any other defect in personnel methods, breeds discontent, diminution of incentive, and general impairment of morale. The necessity for not merely efficient but for highly accurate methods of selection is thus substantially more important in promotion than in recruitment; and from this it results that rigid or mechanical methods can be much less confidently and generally employed than in recruitment.

Once it is determined to restrict in any way the discretion of the administrative officer in the making of selection for promotions and to draft regulations giving effect to such restrictions, a logical and comprehensive classification of the service becomes essential. In the first place, what change of duties constitutes a promotion as distinguished from a mere reassignment must be defined, and even this primary decision may be fraught with great difficulty if no well thought out scheme of titles and no clearly expressed definitions of the duties applicable to each title has been prepared. Again, it is necessary in formulating such regulations to determine the positions from among which selection for promotion to any given vacancy shall be permissible; and this again is obviously difficult unless the several types of work have been clearly distinguished by appropriate titles and descriptions of duties. Indeed, unless such clear differentiation and designation exists, it is impossible even to tell when a given change in duties is in fact a promotion requiring the application of a promotion

procedure. To the failure to develop a workable classification of employments in the federal service is due, in large measure, the failure to develop any ordered promotional procedure.

Types of Formal Methods of Promotion.—At least four types of formal methods of selection for promotion may be distinguished clearly: seniority; competitive examination; efficiency records; and the method which mingles with or substitutes for the judgment of the administrative superior, the judgment of an administrative board. In the first three the play of judgment is qualified partially or wholly by factors of a mathematical or rigid character, whereas in the fourth the number of minds brought to bear on the problem is greater but no mechanical method is employed. Any two or more of these four methods may be employed, of course, in combination.

Seniority.—As is well known, the promotion system of military services, in respect to commissioned officers, is one based primarily on the principle of seniority, qualified by non-competitive examination at certain points.[1] Until fairly recently the same system was used in the naval service. In the civil establishments a similar system is found in the commissioned officers and scientific personnel of the Public Health Service and the commissioned officers of the Coast and Geodetic Survey. In neither of these services does the system of promotion by seniority extend to the higher ranks. In the Public Health Service the assistant surgeons general are chosen by the Surgeon General from among the commissioned officers above the grade of assistant surgeon, the lowest rank. The Surgeon General is selected by the President without restriction, although it has been the practice to appoint an officer of the Service. In the Coast and Geodetic Survey the assistant director is designated by the Secretary of Commerce on the recommendation of the Director, from among the hydrographic and

[1] The question of the substitution or qualification of the system of seniority promotion in the regular army by a system of selection by boards of superior officers has been agitated recently before Congressional committees. Military opinion, as expressed by the higher officers, appears to be fairly evenly divided on the question.

geodetic engineers—the highest rank below that of Assistant Director. The Director must be selected from among the officers of the Coast and Geodetic Survey not below the rank of commander.[1] Despite these qualifications the system of promotion in the Public Health Service and the Coast and Geodetic Survey is basically one of seniority. The consideration given to this factor in the military services and the Public Health Service and the Coast and Geodetic Survey is suggestive of the possibility that, in a hierarchically organized, homogeneous professional service, in which care is exercised in the initial recruitment, the system of promotion by seniority is not without merit.[2]

The arguments in favor of this system are: that the length of service of employees determines in great part their technical qualifications; that under this system internal strife for advancement is eliminated; that those responsible for making promotions are relieved from political or other outside pressure, and the feeling that is engendered in the service that promotions are being made with an even-handed justice tends to promote good feeling and thus promote general morale. It is held, furthermore, that the greater certainty of promotion that

[1] The Act of May 22, 1917 (40 Stat. 88) provides that hydrographic and geodetic engineers receiving $3,000 or more but less than $4,000 shall rank with commanders in the Navy.

[2] In appraising the success which the system of promotion by seniority has achieved in the Public Health Service, it must always be borne in mind that that system is not properly speaking, a system of promotion but rather a system of advancement in rank and salary. The advancement of an officer to a higher rank does not of necessity involve a change in his duties and conversely the assignment of a member of the service to duties which are actually in the nature of a promotion, except in the two highest grades, does not involve any advancement in rank or compensation. It may consequently be said that the system of promotion in the Public Health Service is in large measure different from that obtaining in the other civil branches in that promotion in that service does not involve necessarily any change in duties. The net result of this situation is that the executive of the service has a large measure of discretion if not a free hand, in selecting for any particular position which may become vacant in the service any of the great number of members of the service of the appropriate grade. Moreover, as has been pointed out already, once the level is reached in the Public Health Service where advancement in rank implies also a definite advancement in the type of duties, namely, the rank of Assistant Surgeon General, and Surgeon General the system is entirely one of free selection (or, as it is called, "detail" in the case of the Assistant Surgeons General and "nomination" by the President in the case of the Surgeon General).

is held out to the individual employee attracts a better class of men to the service and retains in the service many valuable employees who would otherwise leave it.

The obvious evil of a system of promotion by seniority is that it does not bring the best material to the top, that the young and brilliant member of the service is kept in a subordinate capacity for an undue period, while older members, of less ability, fill the higher places. The proper application of the system of promotion by seniority carries with it, as a necessary premise, that all employees below a superior standard of efficiency will be ruthlessly eliminated from the service lest they, in due course of time, reach the higher posts for which they are not qualified; or, barring this, that use is made of efficiency records or pass examinations in determining whether the principle shall apply in each particular case. If the standards of entrance are high and raise at least a presumption of capacity for promotion, selection by seniority, with proper safeguards, may be resorted to; but if the conditions of the service require that large numbers of subordinates must be recruited who do not necessarily have to possess qualifications for advanced responsibility, such a system could only be disastrous. The Public Health Service is an illustration of the first type, and only because it satisfies that description so completely does the system of promotion by seniority in that service work so successfully. On the other hand, the clerical employments in the departments at Washington or in the postal service furnish an illustration of the second type. No presumption whatever is warranted that the ordinary clerk possesses a sufficient measure of executive ability to justify his promotion by mere seniority to a post of even intermediate executive responsibility.

The prevailing practice regarding the elimination of the inefficient, including those whose inefficiency is due merely to superannuation, is thus a factor influencing the effectiveness of a system of promotion solely or chiefly by seniority. Where the rigid elimination of the inefficient does not prevail promotion by seniority frequently elevates to higher rank persons below a reasonable standard of efficiency. Particularly

will this be so with respect to persons whose efficiency has been impaired through superannuation, as they will have, in most cases, a longer record of service than their juniors. A system of promotion by seniority is to be thought of, therefore, only where a fairly severe policy prevails in respect to elimination of the unfit. The policy in most branches of the federal service is one of undue liberality, or even timidity, on the part of administrative officers, in this respect. Under present conditions, therefore, the method of promotion based solely or even largely upon seniority can be recommended only for a very few places in the federal service.

Except in the Public Health Service, in the examining force of the Patent Office, and in the Coast and Geodetic Survey, seniority has not, so far as the writer has knowledge, been a controlling influence in making promotions. In all other branches of the service seniority is merely one of the many factors which the selecting officer may take into consideration, giving it such weight as he sees fit. Although no binding regulations or standards have been established, a very strong tradition has grown up in not a few governmental organizations, however, which awards to seniority a very heavy weight in determining promotion. This tradition of seniority in promotion perhaps flourishes most in those departments which have gained a reputation for stagnation and inefficient administration. It is hardly necessary to say that this condition is almost wholly bad. Except in the few special cases that have been mentioned, and under the safeguards thus provided, consideration should only be given to seniority when other determining factors are substantially equal.

Efficiency Record.—When the attempt is made to reduce to order a promotion procedure previously wholly informal, resort is almost invariably had to "efficiency records." Ordinarily a scheme of this kind takes the form of a periodic rating or appraisal, by superior officers, of all the employees under their jurisdiction, with respect to certain fixed elements, and in more or less closely prescribed terms.

An administrative officer entrusted with complete discre-

tion in making selection for promotion, as has been said, may maintain an efficiency record and use it merely as a guide in exercising his unrestricted discretion; and it is perhaps gratuitous to urge that every administrative officer entrusted with such discretion, or with discretion in personnel matters generally, and having any considerable number of employees under supervision, should maintain such records as a check against lapses of memory and against the danger of exaggerating the importance of recent as against long time impressions. Such records also furnish the administrative officer a strong weapon for resisting improper pressure which may be brought to bear upon him on behalf of one or more of the persons eligible for promotion.

The maintenance of such records, however, does not in anywise change the essential character of the system of promotion, which is still one of unrestricted discretion. Only when such records are given an official status, and are made definite and recognized factors in promotion, is the nature of the promotion system affected. The efficiency record then becomes a controlling restriction upon the discretion of the administrative officer. The extent of that restriction will be measured by the weight attached to such record in the final determination of the selection for promotion.

If any form of restriction upon the discretion of the administrative officer in making selection for promotion is to be imposed, the use of efficiency records is obviously one that commends itself as most nearly approaching the result which would be obtained by the honest, unrestricted exercise of such discretion. Indeed the determination of promotion by efficiency records currently maintained is, in ideal theory, not a limitation on the discretion of the administrative officer in selection for promotion but is merely a guide to him. If the efficiency records are correctly designed and properly maintained, the individual whom they indicate as properly in line for promotion should be the same as the one who would be selected by the unshackled judgment of the administrative superior when that judgment is based, as it should be, upon

a full knowledge of all the facts of past performance of the several employees from among whom selection must be made. The record thus serves at once as a guide to the administrative officer, and as an impartial and irrefutable indication of the soundness of his choice.

Needless to say, this beneficent theoretical function of the efficiency record cannot be realized fully in practice. The several obstacles, well nigh insurmountable, which stand in the way of even its imperfect realization will warrant full examination.

In considering the problem of devising proper efficiency records for the federal service for use in promotion, and of securing their proper maintenance, it is important at the outset to take note of the notion which is very commonly held with reference to this subject, namely that uniformity, over the whole service, in methods of rating efficiency is desirable. In its report for 1910 the Civil Service Commission stated [1] that "a uniform system of estimating and recording the relative efficiency of employees" should be adopted, and statements of similar import are to be found in other reports of the Commission. If this means, as it seems to, that the same, or substantially the same, records should be employed throughout the service, embracing the same factors and terms of rating uniformly weighted, it is difficult, in the light of the experience with efficiency record systems in other jurisdictions, to agree with the Commission.

So far as experience may be used with confidence to furnish any lessons regarding efficiency records, it has demonstrated the immense difficulty, if not the impossibility, of applying to a large and varied service a uniform system. In most cases where an attempt has been made to cover a large service by a comprehensive system of efficiency records, the central agency, usually the civil service commission, has made the effort to impose upon, or at least to hand down to, the whole service a ready made system. A single central body naturally

[1] Twenty-seventh Report of the United States Civil Service Commission (1910), p. 28.

attempts in such an outgiving to apply a single uniform system to the whole service. The almost uniform failure of this procedure seems conclusive proof that the method is wrong in principle.

Failure indeed might have been predicted from the nature of the case. A system of efficiency records, like any other device of personnel administration, or of administration generally, so far as possible, should be indigenous in the soil in which it is to flourish. Concretely what is needed in so large and varied a service as the federal government is not the imposition from above of a system elaborated in the closet, but the development, by the administrative officers directly concerned in each branch of the service, of a system of records that, in their judgment, meets their peculiar needs. In this development they should have the assistance of a central agency competent to criticize and suggest, and the benefit of cooperation and interchange of suggestion among the officers whose problems are similar or related; but the development, nevertheless, should be from the periphery of the service toward the center, rather than contrariwise.

One reason why in some jurisdictions it has been thought necessary to extend a uniform system throughout the whole service is that transfers from one organization unit to another are rather freely permitted; and consequently it becomes necessary, when an employee is transferred, to take into consideration in any subsequent promotions or other matters for which efficiency records are employed, the record made by him in the department from which he came. Obviously, unless that record was made in terms equivalent to or uniform with those employed in the records of the department to which he is transferred, confusion and difficulty result. Real as this consideration is, the number of cases involving transfer from one department to another in the federal service are probably not sufficiently numerous to warrant laying so much stress as has commonly been laid in public personnel systems on the necessity for uniformity in efficiency record systems as between departments. The case of the transferred employee may well

be taken care of by re-valuation of his record in the terms of the record used in the department to which he is transferred. In any case, the desirability of uniformity for this purpose extends only to records designed for the same kind of work. Under no consideration can a clerk be transferred to the position of physician, or vice versa; hence, under no circumstances can a situation arise where it is necessary or even desirable that the records of the two employees be expressed in like or equivalent terms. Failure to appreciate this simple fact has been responsible for endless difficulty in the construction and maintenance of efficiency record systems.

The report of the Reclassification Commission clearly recognizes this principle. The system of records it recommends can, it declares,[1]

> be as varied in character as the needs of the different organizations and lines of work require. Obviously no single system can be devised that will be applicable to the entire service. Moreover, in the present formative stage of efficiency rating systems it is highly desirable that considerable latitude be allowed for experimentation with different systems, even in the same or similar lines of work.

The Commission does state, however: "that in order to secure uniformity and to give each organization the benefit of the experience of others, the general supervision of some central agency is necessary," and that "full authority to install efficiency rating systems and to provide for their application in such ways as it may deem wise should be given to the Civil Service Commission, which would naturally seek the fullest coöperation of the various departments in the prosecution of the work." This central authority, it is believed, should take the form of providing that an adequate system is established by each service rather than by prescribing the details of such system. Only when services performing substantially the same kinds of work fail to agree upon a uniform system should any compulsory power on the part of the Commission be exerted.

[1] Report of the Reclassification Commission, Part I, p. 121.

In examining into the values and limitations of the efficiency record as a method of determining selection for promotion, it is essential to appreciate that no system of records can be substituted for human judgment; that where the relative merits of individuals as workers, or their relative fitness for advanced responsibility, can be determined only by the exercise of judgment, a record cannot displace such judgment; it can merely record it.

In certain employments it is possible indeed to establish and maintain current records of work accomplished, not only as to quantity but even as to quality, in terms of errors made, materials or forms spoiled, etc. It must be evident, however, without much elaboration, that the field in which this kind of record can be employed is very limited and, moreover, it is the one in which the least difficulty is experienced, even in the absence of records, in making promotions. The real difficulty in placing any check upon the discretion of an administrative officer occurs in those lines of work in which the value of an employee is not measurable in terms of quantity or any other element and consequently must be appraised on the basis of the administrative officer's judgment.

In some discussions of efficiency records much has been made of the desirability of requiring that the judgment of the rating officer, in respect to employments of this character, be based upon "facts," as evidenced by "supporting records." When this principle is run to earth, however, it is found that the supporting records are almost invariably themselves mere expressions of opinion on the part of the rating officer. They may indeed be expressions of opinion of specific jobs or acts of the several employees, and to this extent they unquestionably furnish a more reliable basis for rating, and for reviewing ratings, than would mere general opinions covering the conduct or performance of the several employees over a long period. It must be remembered, however, that even the selection by the rating officer of certain specific acts or jobs rather than others, for praise or blame, itself represents an act of judgment of a very fundamental kind. In short, as to

employments in which efficiency or capacity is not capable of objective measurement, and such employments obviously greatly preponderate in the federal service, an efficiency record, however detailed, can in no wise reduce the element of personal judgment. It can and should, however, help to eliminate from that judgment all factors not properly entering into or influencing it. Slight as is the difficulty which most rating officers, like other men, find in rationalizing their predilections, the making of a detailed record compels periodically a wholesome self-examination and a searching of heart by the rating officer.

The necessity of taking into account of the prospective capacity of an employee for promotion gives rise to another of the cardinal difficulties in the design and administration of efficiency records. So great is this difficulty indeed that in many systems designed to serve as the basis for promotion this factor is entirely left out of consideration, and it is presumably assumed that an employee who successfully carries on the duties of his present position possesses the degree and type of capacity requisite for a position of higher grade. How incorrect such an assumption is with respect to a great area of the service need hardly be pointed out. It might be thought that the difficulty could be overcome readily by providing in the record that the rating officer shall make a periodical estimate under this head, but experience proves that it is next to impossible to obtain from rating officers periodically a reasoned and considered judgment on a question necessarily remote in its application and in some cases not likely ever to be used.

In many services and organization units promotions do not follow a single prescribed line; and hence an employee reported as suitable for promotion because of his fitness for one line might be much less suitable for promotion in another line which the rating officer might not have had in mind at the time he made his report.

The considerations reviewed up to this point are applicable to any efficiency record to which a definite participation in

determining selection for promotion is awarded, irrespective of its form. It becomes advisable here, however, to take cognizance of the two distinct types into which systems of efficiency records fall. In the first type, the rating officer is called upon simply to frame relative ratings for the several employees under his jurisdiction. The system may require him to record his opinion of every employee with respect to each of several selected elements or factors of efficiency. But the determination of the final rating lies wholly in his hands. A system of this kind is thus in no degree a restriction on his freedom in arranging the employees under his jurisdiction in any relative order he may desire. The record is merely the arbitrary formalized expression, in percentages or letters, of the uncontrolled judgment of the rating officer.

For this reason, those responsible for the formulation of efficiency records have generally felt that the system should go further—that it should be such as to limit the freedom of the rating officer in determining the order of the several employees. Consequently, these designers have provided systems in which the several factors or elements of efficiency, upon which rating is to be based, are expressly enumerated; the terms in which the ratings on each of them may be expressed are specified; the weight to be assigned each such factor or element, and the method of computing the final rating from the ratings on the several factors are minutely predetermined. The rank or order of the employees is then determined by the final rating. This system is open to serious objections. It is to be questioned whether any system of efficiency records, in which the final grades are obtained by averaging the ratings given on specific elements or factors, even though such factors have been weighted with specific reference to each particular position or class of service, is to be generally recommended. As applied to large groups of minor employees, particularly those performing routine or standardized operations in which the elements of quality or self-direction are insignificant, and in which work results are readily measurable in terms of quantity, such records are unquestionably prac-

ticable; but even here the greatest care must be taken in the selection of factors, terms, and weights of rating, if the records are to reflect the actual relative values of the services of the several employees rather than a purely arbitrary appraisal of those values.[1]

For employees at all above this class, where any subtler elements of efficiency become involved, a mechanical system, if not wholly impracticable, is so fraught with difficulty that it should not be applied except for the most substantial of reasons—as to destroy a deeply rooted tradition and practice of political influence in promotion, or the belief in the existence of such a practice.[2]

In summary it may be said then that an efficiency record system, which, by periodic percentages or other quantitative ratings attempts to determine mechanically the person who shall be selected for promotion, while theoretically attractive, presents such great difficulties in actual operation that over most of the service it cannot be relied upon to select for promotion the employees actually most fit. The limit of practical application of efficiency records for most of the service is represented by a system in which the rating officer is required to express periodically, in percentages or other standard relative terms, his judgment of the relative competency of the employees under his judisdiction in their present duties and of their fitness for promotion to the next higher grade in the same class of work, or to the position immediately above in the direct and usual line of promotion, such records to be ordinarily controlling upon the discretion of the administrative officer, when

[1] For an illuminating illustration of the incorrect relative ratings of a group of employees of this type produced by a system in which the several factors and weights had not been selected wisely, see President's Commission on Economy and Efficiency, Report on the System of Efficiency Records in the National Bank Redemption Agency, 1913.

[2] Even then a system should be applied only after careful and cautious experimentation. It is not the least of the difficulties which surround the development of a system of efficiency records that once such a system has been applied, it is difficult to avoid making use of the ratings produced, however mistaken those ratings may prove the whole rating scheme to have been. Those who have received favorable ratings, albeit undeservingly, feel, not unnaturally, that they have a sort of vested interest in the use of such ratings in determining subsequent promotions.

a promotion to the specific grade or position so contemplated is to be made.

But even when restricted to this area of promotion, the extent to which the efficiency record is actually to control in determining selection must be limited. It should always be open to the administrative officer to obtain permission from the Civil Service Commission to set aside the records upon a proper showing that the promotion to be made, although nominally falling within the class of the promotion contemplated by the system, does not actually so fall owing to peculiar conditions of the organizations or of the duties to be performed. Again, an administrative officer, after a minimum period in office, say a half-year, should be permitted, upon the approval of the Civil Service Commission, to disregard the ratings made by his predecessor in office, whose administrative incapacity, as reflected in those judgments, he may indeed have been called in to supersede. Such a privilege would doubtless but rarely be invoked by an administrative officer, but its existence would seem to be indispensable if the officer is to be held responsible for the work under his jurisdiction.[1]

Even as thus qualified and limited, the system described, while capable of practical application over the greater portion of the service, in but relatively few branches of the service, will currently yield sufficiently valuable results to warrant the cost of its maintenance and the rigidity which it of necessity induces in the system of personnel administration.

A question of great importance in devising a system of efficiency rating is that of the provision, if any, that shall be

[1] In this connection mention should be made of a variation of the system of promotion by efficiency record which has been suggested. This proposal would require the appointing officer to promote the employee having the best efficiency record unless he were able to present to the head of the department or other superior authority a satisfactory reason why, despite his better record, that employee should not be promoted and the promotion should go to an employee with an inferior efficiency record. A system of character is not properly a system of selection by efficiency record. It is a combination of such a system and a system of free discretion in superior administrative officers which is described in a subsequent section.

made for the right of employees who believe that their ratings are not fair, to appeal to a superior authority. In seeking to meet this point the designers of certain systems have provided for appellate tribunals having the power to reverse the ratings given by the administrative officer upon appeal by the employee. The character and implications of this system of appeal should be clearly understood. It should not be confused with the provision found in some systems by which the ratings made by the several administrative officers are reviewed and equalized by a committee or board before final promulgation. What is here referred to is the recognition of the right on the part of the employee who feels himself aggrieved by the rating given him, even after such reviewing and equalization by the administrative board, to appeal to a board which, at his complaint, will sit in judgment upon his administrative superior, and, if he succeeds, secure an amendment of the rating in his favor.

That many of the most deserving employees hesistate to resort to a board of this kind in antagonism to their superior officers is the least of the objections to this procedure. Its radical defect is that it sets at naught the whole principle of administrative responsibility. For an administrative superior to be placed upon the defensive as against his employee, and for the employee to be the victor, and for the two to continue in the relation of employee and superior is a result to be avoided at all costs. In a correct personnel system, where the employee does not feel that he is receiving justice at the hands of his superior, machinery and procedure should be provided by which such employee may be transferred to another branch of the organization. In due course it will appear whether the employee is one who cannot get along with his superiors or whether the superior is one with whom his employees cannot cooperate, or who does not govern his employees with an equal hand in the matter of promotions, reassignments, and the like. But so long as a given employee remains subordinate to a given superior the employee should not be permitted, except for the very gravest of reasons, to go over the head of his

superior officer and obtain an action which his superior has denied.

The Reclassification Commission has recommended that authority be vested in the Civil Service Commission to review ratings and, if necessary, to withhold its approval. The Commission thus recommended:

> That the Civil Service Commission be authorized and directed to arrange for the installation of efficiency rating systems in the various government establishments; that the appropriate administrative officers be required to rate all employees under their direction in accordance with these systems and under such rules and regulations as the Civil Service Commission may prescribe, all such ratings to be forwarded to the Civil Service Commission for review and final approval, and that the ratings of individual employees be open to the appropriate administrative officers and to all other employees in the same class.

It is very much to be questioned whether any such system of central control is either desirable or feasible. The transmission to the Civil Service Commission of all efficiency ratings would entail an enormous amount of work. Nor does it seem proper that it should have general authority to withhold final approval in respect to such ratings. It would seem to be sufficient if the Commission had authority to make full investigation wherever it has reason to believe that an efficiency rating system was not being properly carried out in good faith and to report the result of its investigation to the superior departmental officer, to the President, and to Congress.

Competitive Examination.—The value of competitive examinations as a means of selection for promotion varies according to the number of employees who enter the competition. In systems of public personnel administration where the method of competitive examination is used as either the sole or a principal factor in making selections for promotion, the appointing officer is almost invariably permitted to select for promotion one of the three employees rated highest on the examination. Where the number of employees competing

is large, as in the case of the lower grades, this freedom of choice is of little significance, as even the selection of three from among the large number is a substantial, if not a complete, restriction upon the discretion of the appointing officer. As applied to the higher promotions, however, the option of selection of any of the three rated highest frequently gives the appointing officer virtually a free hand; for, in these higher grades, it happens frequently that not more than three employees can be considered, by any possibility, as eligible for the promotion in question. Under such circumstances a competitive promotion examination is more or less of a formality except in so far as it debars from selection one who is incapable of obtaining even a qualifying rating.

The advantages claimed for the system of competitive examination in the matter of determining promotions are that it requires a test of relative abilities, that it imposes a wholesome check upon the display of favoritism on the part of recommending or appointing officers, that it constitutes a safeguard against outside political or other pressure upon the appointing officer, and that it contributes to the general morale of the service through the apparent guarantee that it affords of fairness in handling this important branch of personnel administration.

No one can question the validity of these claims. Opposed to them are, however, other considerations which, under certain conditions at least, may go far toward offsetting these advantages. The most obvious of these is the limitations upon any examination system in determining the personal qualities, as distinguished from the attainments of the competing employees. In many cases the former may be of more importance than the latter. And these are qualifications which can be determined only by the exercise of personal judgment.

It has been pointed out already that the system of competitive examination finds a far stronger justification in the field of recruitment than in selection from within. Even the warmest defenders of the rigidly competitive system, as applied to the former field, do not maintain, however, that that

system, always, or even nearly always, arranges the competitors on the eligible list in precisely the order demanded by their relative abilities and qualifications. All that is urged is that, as a whole, and over a considerable period, those selected are substantially as capable and meritorious as those who would be secured by a system involving a greater element of personal judgment on the part of the appointing officer; and that to the extent this is not true, the sacrifice entailed is outweighed by the exclusion of all possibility of the entrance of political or other improper considerations. The system of selection for promotion, however, has to meet a far more exacting standard. On pain of impairing the morale of the working force, it must select accurately. In promotion, improper selection, except under the most severe pressure of political forces, cannot be condoned on the plea that the mechanical methods employed for selection were necessary to insure the exclusion of political considerations.

The competitive examination is arbitrary. In the selection of subject matter for questions, and in framing them, there is obviously opportunity for accidentally favoring one candidate or another in a matter which has no specific relation to the requirements of the work, or the position to which the promotion is to be made. Expert and careful examining service will tend to reduce this accidental element to a minimum, but it cannot be eliminated entirely. The examination, moreover, is given on a single day or on two or three days; and at that particular time the several employees may not be relatively in their normal mental and physical condition. The final element of accident arises in fixing numerical ratings representing the examiner's appraisal of the questions and the value of the answers made by the several candidates. Such a process is inherently artificial. It becomes all the more so when the examination is divided into several subjects, each assigned an arbitrary weight by which the mark of the competitor is to be multiplied in order to obtain his final average which determines his standing on the eligible list.

These possibilities are present, of course, in any competi-

tive examination; but, in a competitive examination for entrance to the service, they are less important, since a candidate has no vested right to entrance and must take his chances with the process of selection for entrance which the best interests of the service demand. In the case of an employee already in the service, however, it is wholly unjustifiable to require him to take chances with his chief reward of service merely in order to satisfy some extraneous requirement of the personnel system.

In summary, it may be said that the method of competitive examination may be used profitably where large numbers of subordinate employees are all eligible for a promotion to a higher grade, itself minor.[1] Even in such a case, however, selection by competitive examination is, at best, unreliable and should certainly be qualified, to some extent, by the consideration of efficiency records. In the more important promotions, however, a written competitive examination, consisting of set questions, is wholly unsuitable. To make an important promotion depend primarily, or even largely, upon the more or less accidental results of a written examination on a set paper is to introduce into the administration of the personnel system an element of hazard and capriciousness unjust alike to the efficient employee and to the sincere administrative officer.

This conclusion is reached in the face of respectable authority. In 1910 a special committee appointed by the National Civil Service Reform League reported in favor of the general application of promotion examinations in the federal service. The substance of the committee's report is contained in the following paragraphs:[2]

We have now considered various known methods of promotion and come to the question of the practical application of a promotion system to conditions existing in the federal service. Of these methods "free promotion" must be re-

[1] Twenty-seventh Report of the United States Civil Service Commission (1910), p. 27, "In promotion from one grade to another it is believed that examinations now prescribed by the rules may profitably be made competitive where there is a sufficient number of employees to justify it."

[2] *Proceedings,* National Civil Service Reform League, 1910, pp. 84 and 85.

jected, as it has been already shown to be unsuited to these conditions. Seniority, efficiency records, and competitive examination all have their value as elements which should enter into consideration in making promotions. The question would seem to be how they can best be combined?

In our opinion seniority should be made a determining factor in promotion only when the application of other tests of efficiency show that two candidates are practically equal.

Efficiency records as they do not bear directly on the main question—the ability to perform the duties of a higher position—should not be given a preponderating weight.

Competitive examination, as going most directly to the root of the matter and providing an impartial test of ability to perform the duties of a higher position, should be given at least a weight of 50 per cent.

Despite the distinguished personnel of this committee [1] it is believed that few who have had practical experience with the use of competitive examinations as the means of selecting for promotion will find themselves in accord with the committee. That competitive examination would constitute, of course, a well nigh ideal method of selection for promotion if it actually succeeded in selecting the person best qualified for, or most deserving of, the promotion, is self-evident. The essential question, which the committee completely escaped by assuming an affirmative answer, is whether it is at all practicable to devise for any of the more difficult promotions, particularly those involving even minor administrative responsibilities, a type of competitive examination which will actually be effective.

The Reclassification Commission has likewise gone on record as favoring the employment of competitive examination in selection for promotion. After discussing measures looking to the enlargement of the opportunity for advancement in the federal service, the Commission says: [2] "Since the only fair method of determining who are best qualified is by examination, appointment to the higher classes should be made only as the result of competitive examination, open to all those

[1] Charles W. Eliot, Chairman, Joseph P. Cotton, Jr., Richard H. Dana, William Dudley Foulke, and Elliott H. Goodwin.

[2] Report, Part I, p. 124.

of the service who are qualified under the class specifications." Apparently fearful, however, that exception would be taken to the use of competitive examinations because of the widespread belief in their impracticability, the Commission goes on to say: "Such examinations need not, of course, be academic in character, but may be based on actual accomplishment and demonstrated ability for the work of the higher class." Just what the Commission means by this is not clear. "Actual accomplishment" cannot be tested by examination. Any opinion on this head must be based upon records of past performance; and to the extent that these are employed the method of selection is not that of competitive examination but of the efficiency record. Again, "demonstrated ability for the work of the higher class," that is, for the position to which the promotion is to be made, cannot be tested in the great majority of cases except by actual trial of the employee, which is, of course, inconsistent with the proposal of a competitive examination, besides being wholly impracticable under ordinary conditions.

Some years ago when promotion regulations were first applied to the Custom House service in New York City, competitive examination was employed in determining promotion from one clerical grade to another. In 1909, however, the use of the competitive examination for this purpose was abandoned, and a system of efficiency records instituted. Unfortunately there is no official statement available as to why this step was taken. The report of the Civil Service Commission merely states that it was taken "better to meet existing conditions." [1]

Combination of Efficiency Records, Competitive Examination, and Seniority.—It remains to consider to what extent the combination of any or all of the three methods of restriction upon the discretion of administrative officers, just reviewed, may offer advantages not found in the use of any one of these methods singly.

[1] Twenty-sixth Report of the United States Civil Service Commission (1909), p. 29.

Since the opinion has been expressed that both the methods of efficiency record and of competitive examination are unreliable in their operation except within restricted areas of the service, it is not believed that any greater reliability can be secured by combining them in an arbitrary manner. In those parts of the service, however, in which either would properly be applicable singly, their combination, with the proper assignment of weight to each, is desirable. On the one hand, the examination tests the capacity of the employee for performing the duties of the higher position, in a way that is not done by efficiency records; while, on the other hand, the record serves to prevent a brilliant, but not altogether steady-going, employee from obtaining promotion merely through a good examination.

In view of the fact that the seniority factor furnishes so slight a test of merit, little use should be made of it, except as between two employees whose records or examinations, or both, are substantially equal.

General Summary of Formal Promotion Methods.—In the foregoing review of formal promotion methods the conclusion has been reached that the effective use of these methods, either singly or in combination, is limited to restricted areas of service, and more particularly to the lower grades; and that, except as to these areas, their limitations are such as to make their employment unwarranted as controlling factors both from the standpoint of administrative efficiency and that of doing justice to the capable employee. To state this in another way, the general conclusion is that, valuable as mechanical or formal methods of selection may be as aids to the personal judgment of those responsible for taking action, they should not be erected into substitutes for the exercise of such judgment.

Substantially this conclusion has been reached by one of the ablest administrators who has occupied a Cabinet position in recent years. In his report for 1910, the Secretary of Commerce and Labor, Charles Nagel, had this to say on the subject of promotion:

Promotion of employees in the Government service constitutes one of the most difficult questions presented in the actual everyday administration of departmental affairs, although practically there is but little restriction by the civil service rules on this subject. Promotion without examination to a grade for which the entrance tests are higher or essentially different is prohibited, but for the great bulk of promotions which are usually within a grade, the promoting officer is free to exercise his discretion. That difficulties attend the promulgation of practical regulations to govern promotions is shown by the several ineffectual attempts to enforce rules which have been adopted, and by the significant fact that the Civil Service Commission, which seems to be particularly charged under the civil service law with the duty of formulating promotion regulations, has not been able after years of study to present anything workable and effective. The ideal system is one in which political, personal, and social influences are entirely eliminated, thereby insuring promotion solely on merit; and the purpose of any system should be to guide in determining who of a number of employees excels in special qualifications or general efficiency. A scholastic examination does not appear to be a means to this desirable end. It is well enough to provide a scholastic test for entrance to the service, but the conditions within the service call for an entirely different test for promotion. Employees work under the direction and observation of chiefs of bureaus and divisions; their capacity, efficiency, and resourcefulness are observed and judged by them; and in the final analysis their rights to advancement should be wholly determined by the opinions of these supervising officials, provided, always, that such opinions are judicious, well informed, and conscientiously reached.

During the spring and summer of 1909, when this department instituted a thorough inquiry into the efficiency of its personnel, it was demonstrated that as an aid to arriving at a just estimate of the merits of employees for promotion, chiefs of bureaus should be required to report from time to time on the efficiency of all under their charge. These reports should bear upon the quantity and quality of work done by employees as well as the interest manifested in it, and, upon the theory that the government is entitled to a day's work for a day's pay, should show whether the employees are actually earning their salaries. After this information has been procured, recommendations for promotion from bureau chiefs should be con-

sidered in connection with the efficiency ratings previously submitted, and if it should appear that employees not having the highest ratings are recommended for advancement the bureau officers should be called upon for an explanation. Under such a system there is no reason why promotions should not be justly made. It is barely possible that there may be an occasional instance in which an employee may be recommended by a chief of bureau on account of some personal or political influence, but in practically all cases the report and recommendation of the chief are based upon merit and are just as little open to criticism as they would be under a more elaborate system. It is not believed that any sort of mechanical and self-operative method of promotion could be devised, or any set rules established, which could possibly take the place of the discretion, fairness, and knowledge of the chief of a bureau.[1]

The position of the Reclassification Commission on this matter has been commented on already. That body reported rather unequivocally in favor of the use of promotion examination. As already indicated, however, the vagueness of its recommendations on this head is such as to greatly impair its weight and value.

The present views of the Civil Service Commission on this subject are not available in public form. The latest published expression of opinion by the Commission is found in its Twenty-seventh Report, dated 1911. In that report is found the following on the question of formal promotion methods:

The application of practical regulations to govern promotions has been found difficult, and little progress has been made in that regard. Under the civil service rules non-competitive examinations are held to test fitness of employees recommended for promotion to positions for which the entrance tests are different from those of the positions which they hold, and in certain services promotion regulations providing for competitive examinations from grade to grade are in force. Several of the departments also have adopted systems of limited application for the keeping of efficiency records

[1] Twenty-seventh Report of the United States Civil Service Commission (1910), p. 138.

of employees and for promotion in accordance therewith. In some cases these systems have been discontinued owing to lack of satisfactory results. In others, where conditions are more favorable, they are still in force. . . .

There are at least four bases or methods of making promotions. First, that of free selection by the promoting officer. This is said to work well in private business, where the motive of profit enters; in the public service it has been tried, and in recent years has given better results than formerly from the standpoint of administrative efficiency. Another method is that of promotion by seniority, which has slight relation to efficiency and which should be used only as a means of discriminating among candidates whose other qualifications are equal. A third method is that of competitive examination. It has been advanced that under this method the employees are placed on an equal footing, as the personal equation is eliminated and impartial tests are applied. This method has been tried in the past to some extent and afterwards abandoned for promotions from class to class within a grade, apparently because of the belief that for such promotions the value of employees could be more accurately and fairly measured from daily observation of their actual work. In promotion from one grade to another it is believed that examinations now prescribed by the rules may profitably be made competitive where there is a sufficient number of employees to justify it. A fourth method, that of promotion on records of efficiency, has too rarely been found to work satisfactorily, as the ratings are likely to become perfunctory and to lack relativity and uniformity unless the system is applied by a supervisory body.

While each method has its supporters, a system combining seniority, efficiency ratings, and competitive examinations has also its advocates.

The commission favors the making of promotions competitively on the basis of efficiency, ascertained by a uniform and impartial mode of procedure applicable to all departments.

A uniform system of estimating and recording the relative efficiency of employees could then be adopted and more effectively applied for all bureaus and offices in all departments. This can best be accomplished by the aid of an independent commission or body, such as the Civil Service Commission. To secure uniform methods of procedure and results in all bureaus and departments, it would be well for the commission

to prescribe the necessary forms for recording efficiency ratings and to have some part in coördinating and harmonizing the ratings, such as representation on a board of review and appeals. A true record of relative efficiency, fairly estimated, and available to the heads of departments and the Civil Service Commission, would undoubtedly greatly aid in maintaining efficiency and economy in the service.[1]

The fact that the conclusions reached regarding the applicability of the several formal methods of selecting employees for promotion are more or less of a negative character make it desirable to discover, if possible, some other means by which, while leaving to the appointing officers due discretion, safeguards against an improper use of this power may be set up.

It is believed that the key to the problem lies, not in substituting mechanical methods for free discretion, but rather in so guarding the exercise of free discretion that it may be employed without fear of the injection of political or personal favoritism. This can be accomplished by the development of machinery and organized procedure for exercising discretion in promotion as against entrusting that discretion wholly to a single administrative officer. In each service, bureau, or other organization unit, there should be developed a committee of administrative officers charged with responsibility for making recommendations in respect to all selections for promotion. Provision should be made for developing and furnishing to this committee or body complete information regarding the character of work performed by and the qualifications for promotion of all employees. The basic element in the provision of this information should be, of course, a system of efficiency or service records currently maintained. This record should be a current record of all facts bearing on the employee's service. It should be made periodically; but entries may also be made from time to time as special occasion therefor arises. It should contain expressions of opinion as well as statements of fact. These may be expressed in any terms

[1] Twenty-seventh Report of the United States Civil Service Commission (1910), pp. 26, 27, and 28.

which may seem best to the administrative officer whose own convenience will dictate, of course, the desirability of expressing all records so far as possible in standard terms. These periodic records should be supplemented by a full statement, submitted by the proper administrative officer at the time of the proposed promotion, explaining with particularity any reason for a variation from what would normally be expected from the face of the efficiency records previously entered. It should also be within the power of this committee or board to summon before it for interview, or even for written test, if it thinks such test appropriate, all the candidates or such of them as it may deem desirable. With all these various sources of information at its disposal, it is believed that a committee animated by a desire to act fairly could effect, in virtually every case, a recommendation consonant with the best interests of the service from the standpoint both of administrative efficiency and of the morale of the service; and that its judgment, in almost every case, would coincide with that of the administrative officer immediately concerned.

A question of no little importance in providing for such promotional boards is whether or not representation on such boards should be given to the central personnel agency, the Civil Service Commission. If the policy advocated in this volume of increasing greatly the responsibility of the Civil Service Commission for seeing that proper personnel methods are employed by the several departments and services is adopted, it is believed that substantial benefit would result from at least giving to the Commission the right, if it so desired, of having a representative participate in the board proceedings.

Experience elsewhere, and particularly in the city of New York, in connection with the efficiency record installation attempted there in the years 1916-1917, has demonstrated that results of the highest character may be secured by the direct participation of a representative of the Civil Service Commission in departmental personnel boards, provided, of course, such representative is of a sufficiently high caliber. The mere

presence of such a representative on such a board insures at once that the proceedings will be more formal and business-like in character than they frequently are when confined to officers of the department or bureau known to one another. It insures, furthermore, that no action will be taken unless full explanation of the reason for such action is presented to the board. It places obvious difficulties in the way of any attempt to award a promotion to a political or personal favorite. When it is appreciated by the board that it is supposed to be guided in its determinations largely, if not almost exclusively, by the records before it, including, as already suggested, the statements of the eligible employees themselves, all of which are open for the examination of the representative of the Civil Service Commission as fully as to the members of the board, and when it is further appreciated that this representative has the power to lay before the Commission the facts in any case where the action of the board seems to him arbitrary and governed by considerations other than those which appear on the record, his presence becomes a force far more potent for the observance of merit principles in promotion than can any mechanical method whatsoever.

CHAPTER X

RECRUITMENT METHODS; SOME BASIC ASPECTS

Of the several distinct systems of recruitment now in force, springing from the varying provisions of the law and rules which were reviewed in an earlier chapter, that established under the civil service law is, of course, far the most important; and the next chapter is devoted wholly to its detailed discussion. The succeeding chapter takes up similarly the other existing formal systems of recruitment—those for recruiting laborers, presidential postmasters, members of the foreign service, and the medical corps of the Public Health Service. Certain aspects of the recruitment problem are, however, of so basic a character that it seems desirable to consider them in relation to all these several recruitment systems at the outset. To these basic aspects the present chapter is devoted.

Emphasis upon Education.—A question directly related to the problem of selection is that of the emphasis which should be placed upon the possession by the entrant to the service of educational attainments, whether general or technical, superior to those strictly required for the performance of the duties to which he is to be appointed. If the purpose is primarily to secure a recruit who will be able within a reasonable time to master the specialized duties to which he is to be assigned immediately upon entrance, little attention need be paid to any education which is not directly and definitely applicable to those duties. If, on the other hand, the recruit is regarded, not merely as an agency for performing a particular immediate task, but also as potential material for advancement to higher levels of the service, the education of the recruit, in so

far as superior education is regarded as increasing his potential value, must be given proper consideration.

In a preceding chapter it was urged that much could be done in the federal service, and in personnel systems generally, by encouraging and facilitating the acquisition of further education by those already in the service. To the extent that this may successfully be done the emphasis upon education in recruitment, of course, may be lessened. But there will always be fields in which it will be unsafe to rely solely, or even chiefly, upon the further education of the personnel already in the service. In these fields it will always be necessary to give attention to the possession of educational attainments by a proportion at least of those recruited. As has been indicated already, this is essentially the theory underlying the British system of selections for those clerical positions which lead into administrative work. The vice of the British system consists in its awarding to those who enter at the higher level, under this theory, a virtual monopoly of all desirable promotion. With this discriminatory feature eliminated and advancement to the higher posts opened alike to all in the service possessing the requisite qualifications regardless of the level at which they entered, there is nothing in the system which is not wholly consistent with the democratic tradition of American personnel practice.

At most points in the federal service up to the present time little emphasis has been laid upon the educational attainments of those in the lower grades as evidencing potential capacity for advancement; and there is indeed perhaps no instance in the service in which entrance at an advanced level is permitted to those possessing superiority merely in educational attainments. On the other hand, as already indicated, no general provision has been made by the service for the educational advancement of those already in the service. So far as current recruitment methods represent at all the outworking of a theory rather than the merely accidental development of administrative tradition, they may be said to afford no recognition whatever of the value of general education as increas-

ing the potential value of the employee for advanced responsibility.

A possible exception to this statement is perhaps to be made in the case of the foreign service. Here in the clerical levels the attempt is made at certain points to obtain a type of recruit possessing educational attainments considerably superior to what is required for the routine clerical work of the consular and diplomatic establishments, with the purpose of developing from the recruits so obtained material for advancement to the positions of consul and diplomatic secretary and thence by promotion through the several grades to the posts of consul general and perhaps even of chief of mission.

It need hardly be said that whatever value may be attributed to general education on the score of its broadening influence must be awarded in similar measure to a varied business or professional experience, provided, of course, that the variety does not spring from consistent failure in a succession of attempted fields. The difficulty, however, of reducing the value of experience of this type to any standard measure makes it impracticable to give it much consideration in framing recruitment policies.

Requirement of Specialized Knowledge and Experience.—Closely related to the question of the educational attainments to be required of the candidate for admission to the service is the question of the extent to which, in recruitment, the attempt should be made to secure for the lowest grades persons already equipped to do the work to which they will be assigned rather than to train persons wholly without previous experience in that work. In considering this question clear distinction must be drawn between those classes of work which are found in private employment as well as in the federal service, and those which are peculiar to the government service.

In the first class of employments—those found also in private employment—there are again two fairly distinct types of cases. In the one there are available, usually in abundance, both public and private educational institutions giving the preliminary instruction usually thought necessary prior to the

taking up of gainful employment in that occupation. In these cases the government is not itself required to attempt to offer instruction. In general the government would probably find it less economical to do so than to leave such training to established channels. Perhaps the only exception to this statement is to be found in those cases in which it is desired to encourage persons already in the service to equip themselves further educationally and where the working hours of the employees do not permit them to take advantage of existing educational facilities. In the larger centers, however, it will be found almost invariably that where any appreciable demand exists, the facilities, whether public or private, will be made available at suitable hours by those engaged in furnishing them.

In some employments, however, found alike in the business world and in the government service, it is not customary for the novice to pursue any formal course of instruction prior to taking up work, but to enter directly upon an apprenticeship. Whether in these employments the government shall recognize any responsibility for training apprentices or shall rely wholly upon the supply of persons who have occupied their apprenticeship in private establishments, is a question involving no considerations of principle. It is a matter to be decided with respect to each class of work solely on the basis of current expediency as determined by the relative supply of available material which can be drawn from any industry or commerce. The present practice of the service in this matter corresponds closely with this view.

With respect to those employments which are peculiar to the government service, the situation is quite different and presents a problem which is of no little importance as affecting the caliber of material recruited. As an example of such employment may be cited that of Inspector of Immigration. The duties of the Inspector of Immigration are to obtain from the immigrant a record of his history and the facts required in the application of the laws governing the exclusion of immigrants and to determine whether these facts present a case

for exclusion. The performance of these duties obviously requires, in addition to the general qualifications of intelligence, alertness, sympathy, and the like, a detailed knowledge of the immigration laws. Such a detailed knowledge can be acquired, of course, by any one of requisite intelligence by a sufficiently prolonged and concentrated study of the laws and the published and administrative and judicial decisions thereunder. There is nothing inherently unreasonable, therefore, in the requirement that the persons applying for the position of immigrant inspector shall make themselves thoroughly familiar with the pertinent laws and decisions.

From the standpoint of securing the widest possible choice of available material for this position, however, the setting of this requirement is clearly ill-advised. From among all those who may be qualified by education, personality, and natural bent for this type of position, this requirement automatically confines selection to those who, for whatever reason, have been so situated as to have been able to make the required study of the laws and decisions, and among these again it gives a heavy advantage to persons who have been able to pursue this study most diligently and thoroughly. Obviously it may happen that among those who, for whatever reason, have had insufficient opportunity to study the laws and decisions, or having had the opportunity, have been unwilling to do so on the mere chance of a possible appointment to the position at some uncertain time in the future, there may be persons who would be in every essential respect better material for the position in question than those who have pursued the requisite study.

The correct policy in such a case as this would seem unquestionably to neglect virtually altogether the specific technical information required of the incumbent after appointment and to confine the examination or whatever other basis of selection may be employed to general qualifications, relying with confidence on the capacity of the recruit when appointed to acquire in a minimum time, and with a far more practical interest and bent, the technical and internal details.

In the absence of any clear-cut policy, it is, of course, difficult to state in general terms the extent to which one or the other method is actually employed at the present time in the competitive classified service. If a general statement must be made, however, it seems safe to say that the present practice of the Civil Service Commission too often requires of applicants specialized and detailed knowledge of matters familiarity with which can be acquired only with great difficulty if at all outside the service itself.

In the examinations which are required for admission to the diplomatic and consular services a candidate is expected to demonstrate familiarity with international, maritime, and commercial law; political and commercial geography; modern languages; natural, industrial, and commercial resources of the United States; American history and government; and the modern history of foreign countries.

In examinations for presidential postmasterships, it is interesting to note, the Civil Service Commisison has required no familiarity with methods of postal business. In a sense any such requirement would have been at odds with the whole theory of the examination, which calls for open competition instead of promotion from within the postal service. Nevertheless, it would be no less logical to require familiarity with postal methods in this examination than to require a knowledge of the details of federal law and practice in a number of open competitive examinations for the competitive classified service.

One result of the requirement on the part of applicants for entrance of specialized knowledge which cannot be obtained through ordinary courses of instruction or other experience in private employment is the development of the so-called "cramming" schools which, upon the announcement of an examination by the Civil Service Commission, or upon the probability that such an examination is to be announced (which probability, it need hardly be said, is usually advertised and exaggerated by these schools upon the slightest provocation) offer courses of instruction directly preparatory for the ex-

amination. Some of these schools use the correspondence method, but ordinary schools holding regular classes are to be found in the large cities. It might be thought that these schools serve a valuable purpose in providing the prospective candidate with the knowledge which he will be required to demonstrate on the examination and which, if appointed, he will use in the performance of his duties. Any one who is familiar, however, with the character of the instruction given at these schools and the caliber of their student body will question this. The attempt to forecast from a study of previous examinations and a knowledge of the workings of the official mind the questions which are likely to be asked on the examination is an activity which, however valuable to the intending competitor, is worthless from the standpoint of the service.

Training for Entrance.—A phase of this question which has been more or less discussed in recent years, is that of the need of training for the public service. This discussion runs back about a decade. It was particularly animated during the years 1913 and 1914. In the former year a committee of the American Political Science Association was appointed to investigate the possibilities of supplying in the universities training which might better fit those for the public service. The committee reported in favor of the establishment of certain courses for this purpose,[1] to be supplemented by field work. In 1914 a conference was held under the auspices of the Committee on "Universities and the Public Service." Following upon this discussional phase of the matter, courses in public administration were established in several universities, and Columbia University entered into an alliance with the training school for public service which had been established in connection with the New York Bureau of Municipal Research.

Examination of the published discussions of this theme will disclose that they are almost without exception character-

[1] Report of the Committee on Training for the Public Service of the American Political Science Association, Madison, Wisconsin, 1913.

ized by a vagueness as to the specific types of positions for which training would be of value. Presumably this is to be explained by the fact that a fairly diligent study has failed to reveal clearly the existence of such positions on any significant scale. The real difficulty seems to be that underlying most of this discussion is to be found the fallacious assumption that the public service is in some way a distinct profession or vocation, when the fact of the matter obviously is that it is merely a distinct area of employment in which are found many of the trades, professions, and callings of the business or professional world, and but few which are not there to be found—perhaps none of which the close analogy is not there to be found. And with respect to not a few professions and vocations it will be discovered that the problems encountered and the qualifications essential do not differ more between the public service and any particular branch of industry than between that branch and some other.

One single class of employees, too inconsiderable in number, however, to have any importance for the present discussion, may be regarded as actually receiving training through the type of instruction above outlined. In every large public service, and perhaps particularly in municipalities, a limited number of persons variously designated as examiners and investigators are needed whose function it is to make investigations of various phases of governmental activity for the purposes of financial control, reorganization, personnel administration, or for other administrative purposes associated with the central control. While it is essential that technical advice and supervision be always present, it is often found practicable in staffs of this kind to put to excellent use persons of native capacity and alertness who do not, and in the nature of the case cannot, possess technical knowledge of each of the varied branches of administration which the shifting requirements of the central agency make it necessary for them to investigate. It is frequently possible to find excellent material for this type of service among those in the clerical grades who have entered without any advanced educational prepara-

tion and who have acquired through long experience a wide familiarity with the operations of the service. But it is also possible and frequently desirable to recruit these staffs from among persons of good general education but without extensive experience in the service. For persons of this type, specialized courses in public administration, especially when allied with "field work," are undoubtedly of value as a preparation; but the demand for this type of service is in any case too small to warrant the provision of any extensive facilities for the purpose or to be any real element in a program of training for the public service, and in large services it will generally be found both practicable and expedient to divide this examining work functionally, so that it is done by persons who are themselves proficient specialists in the vocations or professions involved.

Reviewing these considerations in the light of the needs of the federal service it may be said with confidence that there exists at present substantially no demand for recruits to the federal service the supply of which could be or is being facilitated by the provision of any special courses of training of the character here under discussion.

Maximum Age Limits.—Another basic aspect of the recruitment problem which is closely related to the question of restricting selection for the higher levels to those already in the service, is that of maximum age limits for entrance to the service. This question, of course, has reference chiefly to the positions of the lower grades, and of a more or less unspecialized character. In the higher grades, where extensive training and experience are required, if recruitment from without the service is resorted to, the appointee may be expected to be already fairly advanced in life; and here the desirability of fixing a maximum age limit will be merely to prevent the entrance of one so old as to be below a reasonable standard of productive efficiency or of adaptability. In the lower grades, however, the question presents itself as one of basic principle.

The imposition for these grades, of a low maximum age limit, such as the twenty-year limit for second division clerks,

and the twenty-four-year limit for first division clerks, as fixed in the British system, is often urged. The argument is that the aim should be to encourage young men definitely to adopt the service early in life as a permanent career. Manifestly such an argument has no validity except in respect to the upper, really worth while positions.

A danger, of course, exists that if no moderately low maximum age limit is established for the subordinate positions, the service may become the refuge of incompetents of middle age or even of advanced years who have failed to establish themselves in private life. If, however, the entrance gate be strictly guarded as regards physical as well as mental qualifications, there is no reason why an incompetent, of whatever age, should gain a permanent foothold in the service. To assume that all who find a minor post in the government service attractive even in middle life are necessarily incompetent would be a grievous error and the government, as employer, should not take so arbitrary a position except for the best of reasons.

If extensive training and experience in the service is required before the maximum value of the recruit to the service is attained, the recruitment of persons well on in years is objectionable on the ground that the cost to the service of the period of apprenticeship, so to speak, is distributed over a relatively brief prospective period of service. The examining corps of the Patent Office is a case in point. The new examiner must spend a considerable period in acquiring a mastery of the special procedure and methods involved in his work; and during that period his services are ordinarily worth less than their cost. In theory, therefore, recruitment should be confined to persons young enough to warrant the expectation of a long period of service.

In sum, the policy to be followed by the federal service would seem to be one of compromise. Recruitment should be restricted to those in early life so far as practicable, but the definition of what is to be regarded as early life should be liberally drawn, probably in the neighborhood of 30 years,

and perhaps running up to 35. The present policy of the service in the permanent branches accords fairly well with the policy recommended, but on the whole the tendency is to set the maximum age limit at a considerably higher figure than here suggested.

Recruitment of Women.—The question of the admission of women into the service has remained up to the present time almost solely in the hands of the administrative officers concerned. With reference to "clerkships" an act passed in 1870, and still in force, definitely vests this discretion in the heads of departments.[1] A like discretion is extended over the remainder of the competitive classified service by the civil service rules which provide (Rule VII, Section 1, a) that in certifying the names of eligibles to appointing officers "certifications shall be made without regard to sex unless sex is specified in the request," thus permitting the appointing officer, by specifying in his request for certification, to bar appointment to either sex, a privilege commonly used, of course, to bar women rather than men, though with the increasing employment of women in clerical and stenographic work in the service, the situation is probably by the way of becoming reversed. In the foreign service the regulations for entrance to the several branches promulgated by the President do not in terms restrict entrance to men, but such is undoubtedly their intent, and a woman applicant, should one present herself, would undoubtedly be denied designation to the examination. A similar situation exists with reference to the presidential postmasterships, but the system here being competitive, it is difficult to see how under existing orders and regulations a woman otherwise qualified could be denied the right to compete. In the labor services, and in all the other unclassified positions, there exist no statutory provisions, and the discretion of the appointing officer is complete.

[1] "Women may, in the discretion of the head of any department, be appointed to any of the clerkships therein authorized by law upon the same requisites and conditions and with the same compensation as are prescribed for men." Act of July 12, 1870. Incorporated in Revised Statutes, Section 165.

There can be no question but that the discretion entrusted to appointing officers under this head has often been employed to discriminate against the employment of women for no sounder reason than the personal preference of the appointing officer or the tradition of the department. Until the war emergency compelled a change there were whole bureaus in Washington in which the employment of women in anything above the lowest clerical positions, and in some cases even in those positions, was unknown; and despite the extreme difficulty which was experienced at various times in securing an adequate supply of male stenographers, the officers in charge persisted in their refusal to employ women. In the technical positions the discrimination has been much less common, owing no doubt in part to the fact that only a very small proportion of qualified women eligibles have ever appeared on the registers. Even here, however, there unquestionably has been discrimination which could not be defended on any sound administrative grounds.

In view of this condition, which, however much modified by the war, still tends to persist, it would seem desirable, so far as the classified competitive service is concerned, to amend the rule, and, if necessary, the statute, by requiring that certification should be made without regard to sex except upon a certificate of the appointing officer to be approved by the Civil Service Commission, that administrative reasons, to be specified, require the employment of only one sex. A more satisfactory solution, however, would be the examination of the whole question by a representative central personnel body which should have power to lay down, subject perhaps to approval by the President, a general policy on this head and to define its application to each specified branch of the service and each class of positions, such determination to be subject, of course, to current revision.

Extreme feminists will contend doubtless that there is no need for this; that appointment should be made in every case, regardless of sex, of the person found best qualified to fill the vacancy. It is this theory which doubtless is responsible for

the measure introduced in Congress in December, 1919, by Senator McLean, at the instance, apparently, of the Women's Trade Union League, with respect to the competitive classified service, prohibiting appointing officers, when making upon the Civil Service Commission request for certifications, from specifying sex "unless sex is a physical barrier to the proper performance of the duties of the position to be filled." It is believed, however, that the experience of all large personnel systems is that it is better, in many types of organization, to confine the force entrusted with a given class of work entirely to one sex, even though either sex is qualified for the work. If determinations on this head are made after full consideration and opportunity for hearing, and for administrative reasons made of public record, it is believed that unjust sex discrimination is no more likely to result, and administrative requirements are more likely to be met, than through the enactment of a rigid statutory rule like the one proposed.

Basic Questions of Practical Procedure.—The preceding sections have dealt with matters of general policy in recruitment. It remains to consider certain practical matters of actual procedure and method to be employed in selecting recruits. The questions to be decided under this head are: first, the factors upon which selection will be determined, such as experience, education, and technical ability; and, in connection with each of these factors, the requirement to be established, and particularly the minimum requirement, if any, to be fixed, and the relative weight to be assigned to each factor as compared with the others; second, the method by which the candidate may be required to demonstrate his qualifications, whether in writing or through an interview or by the performance of a manual task; and third, the method of bringing the candidate under inspection, whether by assembling the candidates at one place or a number of places, or by merely corresponding with the candidates.

The first question, that of the subjects of examination and the types of requirement, is, of course, the basic one, yet what is practicable in this regard is largely dependent upon the

method that is feasible for bringing the candidate under inspection and for securing from him a demonstration of his qualifications. These matters, therefore, must be given attention first, and the type of requirement to be fixed and the weight to be attached to each subject reserved for later discussion, in the light of the considerations here developed.

The nomenclature for the several types of methods and tests which has developed in recruiting practice, particularly in the Civil Service Commission, in the conduct of competitive examinations, it perhaps should be said in passing, is not based upon any close analysis. The distinctions about to be developed, consequently, at some points cut across the meaning attached to terms commonly used.

Fully-Assembled, Locally-Assembled, and Non-Assembled Examinations.—In fully-assembled examinations all the candidates are brought together in one place and at one time. In what are here designated as locally-assembled examinations they are brought together in a number of places at the same time, and in a non-assembled examination they are not brought together at any time.

The great area of the country makes impossible, in most examinations for the federal service, the assembling of all competitors in any one place unless the examination is to be held for a position existing at only one point, and is to be restricted to applicants from the immediate vicinity. Such is the case notably in connection with the examinations for rural letter carriers and the like, and it is also true in connection with the open competitive examinations for presidential postmasters now held under executive order.[1]

In the examinations for the foreign service conducted by the State Department, however, the assembled examination is employed, though the whole area of the country is taken as the field of selection. This assembled examination, which is both

[1] In the latter case it may well be questioned whether, in the examination for the more important offices, competition should as now be restricted to the residents of the area which the office serves; that requirement being in force, however, it is practicable in these examinations to assemble all the competitors in one place.

written and oral, is preceded by a non-assembled test in which, on the basis of experience and other general statements, the candidates showing no promise are eliminated. Nevertheless any reasonably qualified person seeking appointment to the consular service must journey to Washington as a necessary incident to his efforts, to submit himself to examination, without any certainty of final appointment. That this requirement is calculated to discourage competition for the service seems hardly open to question, particularly when, as now, no assurance is given that a strictly competitive basis, or indeed any competitive basis at all, will be employed in making selection from among those examined.

The suggestion made on this point by the Committee on the Foreign Service of the National Civil Service Reform League, which recently reported on the general subject of the foreign service, is of particular interest. The Committee emphasized the fact that the holding of the written examinations for the foreign service in all parts of the country would make it possible to draw to the service a much larger number of applicants, much better distributed over the country as a whole, since the present practice results in the examination of an undue proportion of persons resident in and near Washington. With respect to the oral examination, the committee makes this interesting suggestion:[1]

> The candidates successful in passing the written examinations might perhaps be subjected to a preliminary oral examination by the Civil Service examiner (at the local examining point) for the purpose of eliminating those candidates whose personality made them obviously unfitted for entering into the foreign service . . . and perhaps these tests would be sufficient to exclude the utterly unfit. The government should

[1] Report on the Foreign Service, National Civil Service Reform League, 1919, pp. 25-28. The Committee makes the following note to this statement: "A former consul has written to the committee expressing the view that if a candidate does not have capital enough to pay his own expenses to Washington he ought not to be encouraged to enter the service since the government does not pay consuls for some time after they have incurred expenditures and because there are incidental expenses which must be met by the consul out of his own pocket. Much of the force of this objection will be gone once the salaries are made adequate."

then pay the transportation to Washington for the oral examination for the candidates successful in the written test or it might examine a certain number from the head of each local list, reserving the remainder for later calls. This . . . would have the merit of preventing the exclusion of any capable young man simply because he was unable to make the trip to Washington.

For many of the positions for which open competitive examinations are held in the competitive classified service it is impracticable to confine competition to the immediate vicinity of the place in which the position is to be filled. With respect to positions at Washington, the civil service law requires that equal opportunity be given to candidates anywhere in the country to compete. Many of the lists are employed, moreover, for filling positions at a variety of places. The applicability of the method of the fully-assembled examinations to the federal service is thus severely limited and attention must be given, therefore, to the possibilities of the other two types —the locally-assembled and the non-assembled. Where practicable, however, the fully-assembled examination is preferable to the other two types. As a thoroughgoing application of the competitive principle it has the value of insuring that the several candidates will be examined under the same conditions. The examination, moreover, can be conducted by more experienced and skilled examiners than can be secured in locally-assembled examinations.

Locally-assembled examinations are of two kinds: those in which the examiners, at the several local points, merely place before the candidates the written questions and transmit the answers, whether they be in writing or in the form of some physical product, to the central headquarters for rating; and those in which the local examiners actually rate the candidates.

In the former case, no difficulty arises in connection with the conventional type of written examination, and a great majority of the locally-assembled examinations conducted by the Civil Service Commission for the competitive classified

service for other than mechanical positions fall under this head.

The non-assembled test, as ordinarily conducted by the Civil Service Commission for positions in the competitive classified service, frequently consists of no more than a statement of experience. For ascertaining the relative qualifications of competitors under this head the non-assembled method is quite satisfactory, especially when supplemented, as is increasingly the case with the federal Civil Service Commission, by correspondence with persons to whom the candidate refers to verify the candidate's statements and to give an independent opinion on his qualifications. Even with respect to the matter of experience, however, it has been found of value in local jurisdictions to supplement the examination of the record by an oral examination, which has the merit of bringing out frequently not merely what the candidate has done and, in a conventional sense, how well he has done it, but how much he has gotten out of his experience.

As already indicated the non-assembled test is, however, frequently used not merely to obtain a record of the candidate's experience but to get evidence of his technical capacity, by requiring him to present a thesis on some subject, either set or left to him to select, related to the work of the position, and, in rare cases, as in that of a free-hand draftsman, by requiring the submission of samples of work previously done. The obvious difficulty connected with a non-assembled written test of this character is that of assuring that the thesis or samples submitted by the competitor actually represent only his own work. To a certain extent this may be checked up as to the thesis by means of an oral test at a subsequent date, at which the examiners may interrogate the candidate on the basis of the subject matter of his thesis.

Oral, Written, and Manual Tests.—While the terms oral, written, and manual tests are broadly self-explanatory, it may be well to call attention to certain points in their relation which might not at first sight appear. It is common to think of oral and written tests as being of the question and answer type;

that is, tests in which the capacity of the candidate is sought to be measured, not by requiring the performance of any of the tasks or operations which fall within the duties of the position, but merely by asking questions which test the candidate's familiarity with those duties; and, in apparent contra-distinction to oral and written tests, manual tests frequently have been referred to in the nomenclature of the Civil Service Commission as "practical" tests. Although the distinction is for the most part a true one, oral tests, and more particularly written tests, may be fully as "practical" as are manual tests. Thus an examination for the position of stenographer, in which the candidate is required to take notes from dictation and to transcribe on the typewriter, is commonly spoken of as a written examination but it is, in every respect, as "practical" an examination as are the manual tasks given in some jurisdictions for the regular mechanical trades. Less obvious but equally clear is the case of examination for bookkeeper or accountant in which it is perfectly practical to set actual problems through a written examination; and the list might be extended into other less common types of posts.

Oral tests admittedly do not lend themselves in any great number of cases to a "practical" examination in the sense of requiring the actual performance of characteristic tasks; they are of value chiefly in testing the possession of certain mental qualities which are required for the efficient performance of the tasks to be performed. They may be used, however, like the written examination as a means of inquiring into the candidate's education and technical capacity. The advantage of the oral test on this head is realized, however, only when the same care is taken in the rating of the answers made by the several candidates that is commonly taken in the rating of written papers. The employment of this form of test is, moreover, open to the obvious objections that the candidates are not subjected, strictly speaking, to the same tests; and that it is difficult to review the judgment of the examiners when the test has been completed, or to conceal from the examiners the identity of the candidates and thus prevent the entrance of im-

proper considerations. These considerations are strongest, of course, where the basis of examination is strictly competitive.[1]

In the federal service the use of the oral examination is rendered undesirable, moreover, by the difficulty of assembling all the candidates in one place before a single board of examiners. As the result doubtless of all these factors the Civil Service Commission has hitherto made little use of the oral examination as an element in the rating of candidates. In a number of cases, however, where personality is regarded as an important factor in the qualifications of a candidate, and where there have been but a few eligibles, the Commission has followed the course of summoning the candidates to Washington for oral tests before the final promulgation of the eligible list, the purpose of such test being simply to eliminate any competitor whose personality was clearly unsuitable. Under this procedure the final stage of the examination by the Commission and the interview of the candidates by the appointing officer, which, in the regular course, usually follows some time after the completion of the examination, are in effect joined.

The oral test, it should be said, is one of these employed in the non-competitive examinations for the positions of consul and diplomatic secretary and for medical officers in the Public Health Service.

The use of manual examinations in selecting recruits in the skilled trades and in general in employments requiring manual skill is a fairly recent development in the field of public personnel work. In industry, this class of service is recruited, of course, without any formal test, the mere fact that one claims to be a skilled mechanic in a given line being accepted as a sufficient basis and little attempt being made to distinguish between relative grades of skill. The experience of

[1] A recent discussion of the values of the oral test in recruitment for the public service—indeed one of the very few discussions on this subject to be found anywhere—is "The Oral Test in Civil Service Examinations," by J. B. Probt, Chief Examiner, St. Paul Civil Service Commission, a paper read at the Eleventh Annual Meeting of the National Assembly of Civil Service Commissions and published in the Proceedings, p. 54 ff.

certain local civil service commissions, particularly the New York City commission, in conducting manual examinations for skilled trades positions, has demonstrated that there are wide variations in efficiency between individuals all of whom may be regarded as entitled to call themselves skilled mechanics in a particular line. As a result of that experience it seems clear that, in the recruitment of skilled labor, competitive selection, based upon the practical manual test, may be counted on to result in the recruitment of a higher average of skilled labor than do the ordinary methods of industrial recruitment. Up to the present time, however, the federal commission has not employed this method in the recruitment of skilled mechanics for the various branches of the government, chief reliance being had upon statements of experience. Unquestionably this method, requiring as it does the provision of adequate facilities in the way of plant, tools, and of materials, and a skilled examining force, is an expensive one. Whether the incurring of this expense would be warranted, under the conditions encountered in the federal service, is an open question. One reason why the Commission has not taken steps in this direction doubtless has been that such examinations would often have to be held at points where it has no technically qualified representative.

Experience Tests.—Whether any practical experience shall be required of a candidate is, as has already been pointed out, a question of expediency rather than principle.

More or less arbitrary requirements of a stated length of experience are not uncommonly met with in the requirements announced by the Civil Service Commission for positions in the competitive classified service. In practice the applications of persons who do not possess the prescribed requirements, but who have ventured, nevertheless, to file applications, are frequently approved by the Commission's examiners on the ground that the experience presented by such persons is a reasonable equivalent to the prescribed requirement. This practice is a wholly sound one, but the Commission should give public notice of the practice by stating in its announcements of

requirements that equivalent experience to that stated will be accepted. This is now done in some cases but it is not the general rule.

In the competitive classified service, the experience test is commonly employed for two classes of positions: technical, and those in the skilled trades. It is not employed in examinations for the common run of clerical, sub-clerical, or non-technical inspection positions.

In the foreign service no experience requirement is set, but experience, it is needless to say, is taken into consideration in the selection of candidates for examination, and again, presumably, in their selection for appointment. In the case of medical officers of the Public Health Service, since admission is only to the lowest grade, which is recruited from the ranks of young medical graduates, the one requirement is that of a year of hospital experience, or of two years' professional practice.

Both where the qualifying experience test is employed, and where no such test is used but a mere statement of previous history and employment accepted from the candidate, it is in the highest degree desirable that investigation be made to determine the truthfulness of the competitor's statement. Investigation along this line frequently reveals not only false statements made by competitors but concealment on their part of facts tending to disqualify them for the service.

In the competitive classified service the Civil Service Commission, to the extent that it makes investigation at all, usually permits the results of the investigation to be taken into account in the rating;[1] and the same is true in the examinations which it conducts for presidential postmaster. Here, moreover, the customary investigation by correspondence is supplemented, in the case of examinations for offices having a compensation of over $2,400, by a "careful personal investigation of each applicant by representatives of the Civil Service Commission, one of whom is selected by the Commission

[1] The mechanical positions in the industrial establishments are an important exception to this statement.

from the Post Office Department." In making such investigations the investigators, of course, are not confined to the verification of statements made by the candidate but are at liberty to make inquiry from "persons best qualified to know the business qualifications, ability, and experience of each candidate." In the case of the foreign service and the Public Health Service a similar investigation, confined wholly to correspondence, is conducted.

Independent investigation of the candidate, whether for rating or merely for verification, is a comparatively recent development in recruiting the competitive classified service, since the Commission, for lack of funds, has been compelled to leave this matter wholly to the appointing officer. Even from the standpoint of verification alone, this method was obviously improper, since the appointing officer would not have the time, ordinarily, to conduct the necessary investigation in advance of selecting the eligible for appointment and would thus be compelled to appoint in ignorance of facts which, when later disclosed, might call for the dismissal of the eligible appointed, a duty always unpleasant and seldom actually resorted to except for the gravest of reasons. In 1913, owing to the increase of its force, the Commission was able to make a good beginning in the direction of itself conducting the necessary investigation. In 1914, the Chief Examiner commented as follows on this phase of the Commission's work:

> The value of confidential vouchers as a means to ascertain the personal fitness and integrity of applicants for examination has been mentioned in previous reports, and in last year's report the extended use of such vouchers was recorded and still further extension of their use was advocated. During the past year these inquiries have been used to a much greater extent than ever before, and the results have served to emphasize more strongly than ever the advantages which would accrue to the service if it were possible to extend the system to practically all examinations. By means of confidential inquiries in letter form it has been possible to obtain accurate and reliable information regarding the qualifications and personal fitness of applicants in all kinds of positions from the

highest to the lowest. The system comes next in value to personal investigation. It has been extensively used in connection with rural carrier and fourth class postmaster examinations where charges of unfitness have been made by patrons.

It is believed that confidential inquiries should be used in all examinations except possibly those for the post office service, which are usually held only at the places of employment, where the postmasters have every facility for investigating the suitability of eligibles certified to them for selection. For the service in Washington or for positions for which the nominating or appointing officer is stationed at a place remote from that where the examination may be held, it is believed that these inquiries should be made. So great an extension of the system would, however, materially increase the work of the application division and would not be practicable without the employment of a number of additional clerks in that division.[1]

Education Tests.—The extent to which education, whether general or technical, should be emphasized in making selection already has been discussed in the preceding section. Here the principal question that presents itself is the methods by which the possession of educational attainments shall be evidenced.

When educational qualifications are under discussion, the assumption is usually made that the reference is to formal schooling obtained in recognized educational institutions. Needless to say, however, in numerous instances substantially the same educational attainments have been acquired by home study and self-instruction that are commonly obtained through attendance at educational institutions. From the standpoint of personnel theory there is, of course, no reason why one who has obtained his education in this way should not be regarded in every respect equal to one who has pursued more conventional methods. Indeed, there is some reason for supposing that in the average case, other things being equal, the self-instructed person is possessed of greater native ability

[1] Thirty-first Report of the United States Civil Service Commission (1914), p. 29. While no mention has been made of this matter in recent reports of the Commission, the fact is that there still remains a considerable field to which this procedure could and should be applied.

and has actually acquired a firmer grasp upon the subject matter of his studies than has the other.

From the standpoint of the actual administration of a recruitment system, however, the matter of testing the educational attainments of one who has completed no regular course of instruction presents serious difficulties. The only way in which the test may be made is by an extensive and thoroughgoing examination; and this applies equally to technical as well as to general or academic education. The difficulties, under any circumstances, in giving a really extensive test of this kind in connection with the ordinary position are obvious. They are especially great in connection with the administration of the recruitment systems of the federal government because of the difficulty, except when the number of candidates is large, of assembling the candidates in any one place or even in several places for examination of this kind. Because of the difficulties involved the tendency of the Civil Service Commission, in recruiting for positions in the competitive classified service, has been to employ evidence of the completion of a course of instruction at a recognized institution as the sole means of testing the possession of educational attainments whether general or technical. Unquestionably this tendency involves a certain measure of injustice to those who have acquired the necessary education without such formal attendance, and it seems to run counter to the popular feeling that positions in the public service should be open to all who are qualified regardless of technical or arbitrary requirements. Nevertheless it is difficult to see how, in the situation confronting the recruiting authorities of the federal government, this difficulty can be avoided.

It is interesting to note that, in the examinations for the foreign service, no requirement of formal schooling is made by the State Department. The service is preëminently one which the tradition of other countries would dictate should be recruited exclusively from the ranks of those who have received a considerable amount of formal schooling. It is not believed, however, that our foreign service has suffered in any

degree from the lack of this requirement in the testing of candidates.

In positions of a lower grade, the actual testing of the educational attainments of the candidate presents less difficulty. Even here, however, the requirement of a minimum of formal education is employed in some systems. The purpose is to prevent an excessive number of competitors, both by discouraging those not possessing the stated minimum from making application, and by eliminating, without further examination, many of those who do apply, the larger portion of whom would doubtless be disqualified if permitted to take further written or practical examination. This use of the minimum educational requirement is justifiable from the standpoint of the practical necessities of a large competitive examination system. It eliminates a large volume of work which would otherwise be expended in examining competitors whose chances of appointment would be at best remote, and whose elimination in any case has no adverse effect on the quality of the eligible register finally produced. Nevertheless, this method runs counter to the popular feeling that entrance to the public service should be open to all those qualified, and that requirements arbitrarily imposed for the convenience of the system are an infringement upon the rights of those barred by such requirements. It is particularly desirable that such a feeling should not arise in this connection, because the lower the grade of the examination the larger the number of potential competitors.

The practice of the Civil Service Commission, on the whole, has been well-considered on this point. Despite the continuous pressure of work on its examining force, it has resisted, in most cases, the temptation to impose in the lower grades arbitrary requirements of schooling. In its examinations for entrance to the lower clerical grades, and to the position of carrier in the Post Office Department, it has not imposed, even during the period when there was an oversupply of applicants the requirement of a common school education.

Technical Capacity Tests.—The desirability of applying some test of technical capacity to applicants, even though their

experience seems clearly to demonstrate that they possess technical capacity, has already been commented on. The test of technical capacity is peculiarly a competitive test, and, unless it can be framed so that it really serves as a fair basis of comparison between candidates, it had better be omitted altogether where an experience test has already been applied. If it can be made actually indicative of the relative abilities of the candidates, however, it furnishes a valuable aid to selection which should be employed so far as possible.

Tests of technical capacity may be said to fall roughly into two classes, which, for want of better terms, may be designated as the "question and answer" type and the "practical problem" type. In the question and answer type of test, the attempt is made to elicit the candidate's knowledge of the technical subject matter by means of interrogatories. The practical problem type consists in actually placing before the candidate a typical problem such as he is likely to encounter in his work and to require a solution in substantially the form in which it would be required in actual practice. Clearly tests of this type may be given most readily where the work itself involves the use of no facilities or implements other than paper and pen, the typewriting machine, the drafting board, etc. It may be applied, however, and is currently applied with success, in the practice of several local commisisons, in tests of competency in the mechanical trades where more or less elaborate equipment must be employed. It should be noted further, of course, that the positions, in which books, paper, and pen are all the facilities that are needed for the application of a practical test, are by no means confined to the lower order of clerical positions. They embrace also at least some aspects of the highest legal, accounting, engineering, statistical, and administrative positions. Indeed, the extent to which the test of practical problems may be applied in what seems like a formal examination is usually not appreciated by those who have not had contact with the matter, and the use of formal examination methods for the higher grades of positions is consequently held in lower esteem than it should be.

The difficulties in conducting assembled examinations, as already indicated, have reduced to a minimum the possibility of assembled tests of technical capacity for the great majority of positions in the federal service, and, as has also been commented on, the non-assembled tests for technical positions are unreliable. As a result, the federal commission has relied upon its experience and education tests alone to a far greater degree than do the more progressive local commissions. It should be kept in mind always that this practice of the federal service is the child of necessity and that so far as practical conditions permit, the testing of technical capacity should be employed in a competitive system.

It goes without saying that a test of technical capacity is no test at all unless the subject matter with which it deals, whether by question and answer or by practical problem, is relevant to the duties of the position for which selection is to be made. It is unfortunately a true criticism of the work of not a few civil service commissions that the tests of technical capacity which they set frequently have only a theoretical bearing on the duties of the position in question. This criticism is not applicable, generally speaking, to the federal commission.

The range of subjects and positions covered by the tests of technical capacity set by the federal commission is so wide that it would be impossible, even were the means of appraisal much more available than they are now, to characterize in a single statement the quality of these tests—the appropriateness of the questions set and the judgment used in the rating. It may be said, however, that, on the whole, the written tests of the federal commission bear a high repute among examining boards the country over; and complaints against them on the score of inappropriateness of questions are decidedly uncommon.

Where the subject matter of the technical examination is appropriate and where it may be reduced to a basis of practical problems, the weight of at least half the examination usually may safely be given to this test. The present prac-

tice of the Civil Service Commission seems to err, if anything, on the side of giving too little weight to the technical test when such a test is applied, though this general statement is necessarily subject to the qualification that it has no application to many of the tests held by the Commission.

The technical tests applied in examination for the consular and diplomatic services are necessarily of a rather elementary character inasmuch as the theory of recruitment here is that the persons applying will obtain a knowledge of their duties after appointment. From an examination of recent questions set in these examinations, however, it would seem that they could profitably be given the character of practical problems to a larger extent than at present.

Psychological Tests.—A subject of test which has come into prominence within recent years, particularly in the recruiting methods of certain industries rather than in those of the public service, is that of the psychological characteristics of the several candidates. The examination designed to test the candidates on this point is commonly referred to as the psychological test. The object of this method is to test the possession by the candidate of certain mental qualities or aptitudes, such as alertness, coolness, quickness of eye, shortness of reaction time, etc., and the tests are designed specifically with a view to bringing out these points, having no direct relation, therefore, to the specific duties of the position in question.

The accuracy of the indications obtained by these tests has been challenged by many, the contention being that the form of the tests themselves and the artificial conditions under which they are given, as well as the rather unreal nature of the questions asked or problems put, make the results of no value for practical purposes. This view seems somewhat extreme. On the other hand it is doubtless true that exaggerated claims have been made for the value of tests of this character. They seem to have special value, as appears to have been well established by the experience of the army during the war, in selecting persons for training along special lines, the purpose

here being chiefly to discover aptitudes. It should be noted, however, that in this case the psychological test is applied in the absence of any other available indication, and it does not follow that great weight need be given to this type of test when recruitment is being carried on for a specified position, in the duties of which the candidates are already trained and competent, and tests directly applicable to those duties, therefore, may be employed.

Up to the present time the Civil Service Commission has made virtually no use of the psychological test in its recruitment work, and the same is true of the examining methods of the foreign service and the Public Health Service. Did the Civil Service Commission have a larger staff of examiners available, some interesting results might be secured by the experimental application of this form of test. Many of the tests of this character depend for their efficacy upon the person conducting the test, and attention has been called already to the difficulties under which the Commission labors in attempting to conduct at widely scattered points any types of test in which the personality or proficiency of the examiner is an element.[1]

The experience of the Commission with the psychological test is well summarized in the 1919 report of the Chief Examiner:

> For some time before the war the commission had given serious consideration to the suggestions of certain college professors of psychological tests for selecting salesmen, clerks, and other classes of employees, but felt there was not sufficient data of results available to justify substituting such tests for examinations which were securing satisfactory employees. Delay in rating papers, however, has always been a matter of much concern to the commission, because it has resulted in considerable loss to the government in declinations of appointment from well qualified eligibles whose papers had not been

[1] For a more extended discussion of the values of the psychological test, see "Psychological Tests in Civil Service Examination," by F. E. Doty, Chief Examiner, Los Angeles County Civil Service Commission, a paper read at the Eleventh Annual Meeting of the National Assembly of Civil Service Commissioners, 1918, and published in their Proceedings, p. 41.

rated until after several weeks, or even months, had elapsed since the data of the examination: and the psychological tests have the advantage of quick rating.

For positions in Washington the commission is required by law to announce the examinations throughout the United States, and when the examination is that for clerk, which requires no preliminary experience, there are usually several thousand competitors and consequent congestion in the examining or rating division. Any type of test, therefore, which would reduce the time for rating, and at the same time have as good or better results in the class of eligibles secured, is to be sought after. Do the so-called psychological tests meet the second and all-important requirement as they admittedly meet the first?

These new tests have been proposed thus far by their advocates only for positions requiring no special mechanical, technical, or scientific skill or knowledge; in other words, positions similar to those for which this commission gives a general educational test. The largest groups of these positions in the government service are rural carriers, fourth class postmasters, clerks and carriers in city post offices, railway mail clerks, and first grade clerks in the departments in Washington and at field establishments.

Through the courtesy of officers of the Army, the Army alpha psychological test was given under Army direction to 105 of the commission's employees, and the results compared, in charts and tables, with the grades attained by these employees in the commission's examinations and with the efficiency ratings of these persons as reported by their chiefs of division. Of the employees examined, 70 had been appointed from the first grade clerk examination, and these were divided into groups of 5 each for purposes of comparison. A detailed description of the results of this comparison could be given, with consideration of methods pursued and a statement as to individual exceptions, but in this brief report it is sufficient to state that using the units of five employees as the standard, the employees who attained the highest ratings in the commission's entrance examinations likewise attained the highest ratings in the psychological test, and their ratings in the commission's examinations were as closely related to their relative efficiency as were their ratings in the psychological examination.

It would seem, therefore, that if the psychological test had the same result in all respects as the commission's first grade

clerk examination, it should be adopted as the entrance test, because of its advantage in rapidity of rating. Let us examine the psychological tests on the basis of comparative results with the present educational tests.

In the first place, they do not afford a test in penmanship, brief or one-word answers only being required to their questions, and speed in answering being a principal element. There is no direct test, as in the letter writing or report writing subject, of ability to write a connected intelligent letter or simple composition on a given subject. To include these subjects in a form of psychological test would reduce the latter's advantage in speed of rating. Again, only in a minor way, and in the simplest forms of examples, do the psychological examinations test knowledge of arithmetic, and experience of many years shows clearly that the most efficient clerks in the government service attained high ratings in the subject of arithmetic as given in the present form of examination. Moreover, much of the government's clerical work has to do with figures, and, therefore, in any entrance examination emphasis must be placed on ability to figure. Adding the subject of arithmetic, or increasing the difficulty of the minor figuring test now included in the psychological examinations, would still further reduce, if not wholly eliminate, their advantage in speed of rating.

Another consideration, and an important one, entering into the question of the form of examination to be prescribed by the commission for entrance to the service is its effect on the public at large. The public has been educated in the fundamental subjects of spelling, arithmetic, penmanship, and English and understands examinations based on those subjects. The psychological tests have not yet been generally accepted; and it is only within the past year or two that prominent educators have expressed themselves forcefully in the better magazines against the laboratory methods of certain professors of psychology in dealing with human beings.

The examination problem is peculiarly the commission's, and it is always under consideration with a view to such improvement from time to time as will meet the requirement of the civil service act that the commission's examinations shall be practical in character. The psychological examinations are being given serious consideration, and in a new examination recently held by the commission for the position of check and bond sorter in the Treasury Department the first subject was based on one of the psychological tests in figuring. Statistics

of this examination, however, are not yet available from which to express an opinion as to the practicability of the test.

Arrangements have been completed with a prominent psychologist to make an exhaustive study of various types of examination tests with a view to determining their practicability for the commission's purposes. In order to expedite rating, however, and because of its limited appropriation, the commission itself is considering the matter of reducing the length of examinations now being given for clerical positions.[1]

Personality Tests.—Closely related to the psychological test is the test of "personality," so called. This test is manifestly applicable only to those positions in which the personality of the incumbent is an important factor in success. Since the method of testing personality is almost invariably to bring the candidate before an examining board for interview, the personality test suffers from the inherent disadvantages of the oral test already referred to. In addition, it suffers from the obvious difficulty of establishing in so elusive a matter as personality any concrete standards of comparative rating, and of avoiding the injection of the honest prejudices and personal reactions of the examiners into the rating. For these reasons it is believed that an oral test of personality, if employed at all, should be given little if any weight in determining the final ratings of the candidate, but it may be usefully employed as a means for eliminating candidates whose personality renders them entirely unsuitable for the position. It may be questioned, however, whether even for this purpose it is necessary in ordinary cases, inasmuch as the experience test should be, in most cases, an adequate assurance that the candidates who are qualified for appointment possess at least a minimum of qualification in the way of personality.

The test of personality is seldom separately listed and weighed. It is the common practice, both in the federal service in those examinations in which oral tests are employed, and in the practice of civil service commissions generally, to employ an "oral test" without announcement of the subjects which

[1] Thirty-sixth Report of the United States Civil Service Commission (1919), p. xxxi ff.

are to be covered by such oral test. Frequently the test is in fact a combination of experience, education, technical capacity, and personality tests, no separate rating, however, being obtained on these several points, the whole being lumped in one rating. Such an arrangement is manifestly undesirable. If education, experience, and technical capacity have been covered already by tests specially designed, the "oral test" should be treated simply as a personality test.

In the case of the presidential postmasters, where the position pays $2,400 or over per annum, there is specifically applied a test of personality, but it is not an oral test. The regulations provide, as already stated, that there shall be made "a careful personal investigation of each applicant by representatives of the Civil Service Commission, one of whom is to be selected by the Commission from the Post Office Department." It is stated that the investigation should cover two purposes, one of them being to make a report on the business training and experience of the candidate on the basis of which his rating will be made, as already set forth. The other purpose is "full inquiry as to each candidate's suitability for the office by reason of his character and personal characteristics, this part of the inquiry to be non-competitive and not considered in the rating of the candidate, but if he is found unsuitable by the Commission as a result of such inquiry he, of course, will not be eligible." [1] This inquiry, it will be noted, covers "character" as well as personal characteristics; but with respect to the latter it furnishes a unique instance of an attempt to appraise the personal characteristics of an individual merely on the basis of an investigation not involving an interview with the person himself. No information is available as to the proportion of cases in which persons have been debarred from the examination as a result of investigations of this type.

[1] Information regarding postmaster positions filled through nomination by the President for confirmation by the Senate, United States Civil Service Commission, Form 2223, July, 1919, p. 3.

CHAPTER XI

RECRUITMENT METHODS: THE CLASSIFIED COMPETITIVE SERVICE

The open competitive system by which the great mass of the permanent personnel of the service is recruited warrants a close and detailed examination, not merely because of its importance, but because, by the measure of its success or failure must in large measure be determined the question of the desirability of extending the competitive system to those positions and branches of the service where it does not obtain. Moreover, due to the fact that this system is so extensive and so long established, there have been encountered in its development essentially all the problems which a system of this kind may be called upon to face, and the solutions which have been reached are, therefore, of special value because they reveal the limitations and possibilities of the competitive method of recruitment at particular points.

At the outset it should be said that, while the system in question is often referred to as that of open competitive examination, that term is a misnomer in that it conveys the impression that the central feature of the system is a formal examination, involving the assembling of the competitors in one place and the setting of a series of standardized tests comprising usually a set of written questions to which written answers can be made. For not a few positions of the lower grades the system of recruitment does indeed have this character. But, as will presently appear, the larger number of classes of positions [1] are filled by methods in which the for-

[1] What is referred to in this statement is the number of distinct titles not of vacancies. In most of the positions for which the traditional form of written examination is set, vacancies and appointments are numerous, so that, doubtless, a great majority of the appointments are made as the result of such examinations.

mal written examination is entirely absent. It has come to be the practice, however, to term every invitation of applications, even where there is to be merely a scrutiny by the Commission of the candidate's experience, an "examination." Hence, the system as a whole is commonly termed one of open competitive examination, though open competitive recruitment would be a much more suitable term. In a measure it is unfortunate that the term "examination" has been given this extended signification, as it doubtless serves to obscure in the minds of many the varied and flexible character of the methods of recruitment actually employed in filling positions in the federal service.

Legal Basis.—The basic provisions of the civil service act upon which the system rests should, perhaps, be first reviewed. Minor additions to these provisions have been made by statute from time to time, but may best be considered in connection with the particular phases of the recruitment system to which they apply.

The civil service act itself lays down no mandatory provisions regarding methods of recruitment, such prescription being left wholly in the hands of the President. It provides, however, that the rules to be promulgated by the President shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

First, for open, competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia

upon the basis of population as ascertained at the last preceding census. . . .[1]

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid.[2]

The rule requiring open competitive examinations, it will be noted, is to be applied only to "the public service now classified or to be classified hereunder" and that even as to that portion of the public service it is to be applied only "as nearly as the conditions of good administration will warrant." The precise effect which has been given to these limitations in practice was explained in a preceding chapter and need not be repeated here.

The provisions of the act providing for the appointment of a Civil Service Commission, and the duties to be performed by that body, have also been set forth in a former chapter. With reference specifically to the administration of the system of open competitive examinations required by the provision just cited, it is provided that "said commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same." The act authorizes the commission "to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him."

Area of Competition.—The civil service act makes no provision regarding the geographical area to the residents of which admission to competition for any given post must be granted. It requires, however, that the rules promulgated by the Presi-

[1] The remainder of this clause provides that every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual *bona fide* residence at the time of making the application, as well as how long he or she has been resident of such place.

[2] There are four additional provisions numbered fifth, sixth, seventh, and eighth which this section requires to be incorporated in the rules, but they have no reference to the competitive examination system.

dent shall provide that "appointments to the service aforesaid [that is, the classified service] in the departments at Washington shall be apportioned among the several states and territories and the District of Columbia upon the basis of population," and this provision clearly implies that competition for posts in the departments at Washington shall be open to residents of every section of the country. With respect to the positions in the field services there is no provision of the act which would seem to have any bearing; so that the power of the President to limit competition for any particular position in the field service of any area that he may deem proper would seem to be clear.

The rules do not make any express provision, however, for the imposition of residence requirements upon candidates, either directly or by conferring authority upon the Commission to fix such requirements. Nevertheless, the Commission, in two cases, has taken it upon itself to fix a requirement of this kind; and, doubtless, should the question ever come to issue, its power would be upheld as being merely incidental to the general power of fixing requirements for admission to examination. The cases referred to are those of rural carrier and fourth class postmaster. As to the former, it is provided in regulations promulgated by the Commission and the Postmaster General jointly that "the Commission may refuse to examine an applicant . . . who is not actually domiciled within the territory supplied by a post office situated in the county for which the examination is held." [1] It should be noted that this requirement does not in terms impose a residence requirement but merely provides that the Commission "may refuse to examine" an applicant who does not meet the requirement. In practice, however, the requirement is invariably imposed.

The requirement in the case of fourth class postmasters is expressed even more tentatively, the statement being that "the

[1] Regulations Governing the Manner of Appointment to the Position of Carrier in the Rural Delivery Service, United States Civil Service Commission, Form 1494, February, 1912. This provision is further explained thus: "The county for which a person may be examined is the county in which the post office that supplies his home is situated."

Commission is authorized to exclude from examination a person . . . who does not actually reside within the territory supplied by the office from which examination is made." [1] Here too the requirement is uniformly applied.

While these are the only cases of residence requirement as a prerequisite to entrance to the examination that have come to notice, the rules make provision for the restriction of certification for field positions to residents of particular districts. The rules provide (Rule VII, 3) that "the Commission may arrange the territory of the United States into appropriate districts for the purpose of certification to positions in parts of the service not subject to apportionment; [2] and certification to any such position may be confined to residents of the district in which such position is located."

Curiously enough, the Commission has never exercised the precise authority thus conferred on it by the rules; that is, it has never restricted certification to the residents of any particular district, but has instead restricted it to persons who may have been examined in a given district. The distinction is, of course, not very material, though in view of the interval which frequently elapses between the time of the examination and the time of certification the method contemplated by the rule would seem the more logical one.[3]

To review the various regulations as to the districting of the country for purposes of certification for field positions and the restriction of certification to those examined in such districts would be of no value. The several variations are with-

[1] Instructions to Applicants for the Fourth Class Postmaster Examination, United States Civil Service Commission, Form 1759, June, 1919, section 7.

[2] As will appear subsequently, there are certain positions in the departmental service at Washington to which the rule of apportionment is not applied. Whether these positions would be regarded as "not subject to apportionment" within the meaning of this rule has never come up for decision, as the Commission has never attempted to apply the provisions of this rule to such positions. Presumably, however, the intent is to apply the rule only to field positions.

[3] It should be noted that as to field positions there is no provision requiring a person to be examined at or within any area related to the place of his residence, the provisions of the act of 1909 requiring an actual domicile of one year previous to the examination in the state in which examination is held having application only to apportioned positions.

out fundamental significance and are based upon the experience of the Commission in each case. For the purpose of reference they are given below.[1]

[1] *Indian Service.*—For filling a vacancy in the Indian Service (except in clerical positions) certification is made of the highest three eligibles on the proper register who indicate a willingness to accept appointment in the State where the vacancy exists. Competitors are given opportunity at the time of their examination to state the locality in which they are willing to accept employment. They may mention the states in which they wish to be employed or state that they are willing to accept employment anywhere in the United States.

Lay Inspector in the Bureau of Animal Industry.—This method is also followed in making certifications for the position of lay inspector in the Bureau of Animal Industry of the Department of Agriculture.

Chinese and Immigrant Inspector.—For purposes of certification of eligibles for appointment to the positions of Chinese and immigrant inspector, the United States is divided into four districts, the Mississippi River being the dividing line north and south and the northern boundaries of North Carolina, Tennessee, Arkansas, Oklahoma, New Mexico, Arizona, Nevada, and California the dividing line east and west.

Positions in the Canal Zone.—As a result of examinations for positions in the Canal Zone two lists of eligibles will be established, one containing the names of persons examined in the Canal Zone, and the other containing the names of those examined at other places. Those examined in the Canal Zone will be preferred for appointments in the Panama Canal Service in the Canal Zone.

Customs Service.—For the Customs Service certification will be made of eligibles examined in the customs district in which the vacancy exists, except that when a customs district extends over parts of two or more civil service districts certification will be made of eligibles examined in that part of the customs district which is in the civil service district in which the vacancy exists.

Internal Revenue Service.—For the Internal Revenue Service certification will be made of those examined in the internal revenue district in which the vacancy exists. This does not apply to the Tenth Civil Service District, where vacancies will be filled by the certification of persons examined in the city in which, or in the vicinity of which, the vacancy exists.

Railway Mail Clerk.—The railway mail clerk register is kept by states, according to the legal residence of the eligibles, and when a vacancy occurs requisition is made for certification from the register of the state in which the vacancy exists. If there is no register in the state in which the vacancy exists, certification is made from an adjoining state having available eligibles.

An eligible on the railway mail clerk register is allowed to have his eligibility transferred from the register of one state to that of another only when he can show that he has been a *bona fide* resident of the state to which transfer of eligibility is desired for a period of at least six months next preceding the date of the request.

Clerk, and Carrier for City Delivery, in Post Offices.—For the positions of clerk, and carrier for city delivery, in post offices, a separate register is established for each classified post office, containing the names of eligibles examined for such office. For certain large post offices separate mail clerk and carrier registers are established, while for all other offices in which both clerks and city carriers are employed the names of male eligibles are entered on both the clerk and carrier registers. Copies of registers established for a post office are furnished the postmaster,

Needless to say where, owing to the small number of eligibles examined in one district, it is found impracticable to

and he makes selection to fill a vacancy from the highest three names on the appropriate register.

Rural Carrier.—In filling a vacancy in the position of rural carrier there will be certified the name of the person standing highest on the register who has his actual domicile in the territory supplied by the post office at which the vacancy exists, together with the names of the two eligibles standing highest on the register for the entire county, who have not expressed unwillingness to accept appointment at such post office. After due opportunity to become eligible has been given to persons having their domicile in the territory of such office and such persons fail to become eligible, the three eligibles standing highest on the county register who have not expressed unwillingness to accept appointment at such office will be certified.

Fourth Class Postmaster.—In filling a vacancy in the position of fourth class postmaster there will be certified the names of three eligibles, if there be that many, standing at the head of the register. Certification will be made without regard to sex, unless specified in the request for certification. Where more than one member of a family is examined for fourth class postmaster, only the name of the member receiving the highest eligible rating will be entered upon the eligible register. Should this person withdraw his eligibility, the name of the member of the family who received the next highest rating may, upon his request, be entered upon the register.

Forest Clerk in the Forest Service and Field Clerk in the Reclamation Service.—In filling vacancies in the positions of forest clerk in the Forest Service and field clerk in the Reclamation Service preference will be given to persons examined in the locality in which the vacancy exists. In case the register for any locality becomes exhausted, resort may be had to the register for the nearest locality that contains the names of eligibles available for the position vacant.

Stenographer, Typewriter, and Stenographer and Typewriter.—In making certification for filling vacancies in the positions of stenographer, typewriter, and stenographer and typewriter occurring in field services, the regulations outlined in the foregoing paragraphs relative to methods of certification for various branches of the service will apply so far as possible. In case the register for any locality becomes exhausted, resort may be had to the register for the nearest locality that contains the names of eligibles available for the position vacant. Each competitor will be given an opportunity at the time of his examination to indicate the localities in which he is willing to accept appointment.

Certifications for filling vacancies in the positions of stenographer, typewriter, and stenographer and typewriter in offices of chiefs of field divisions of the Land Office Service will be made of eligibles examined at the place at which, or in the immediate vicinity of which, the vacancy exists; and in the absence of such local eligibles certification will be made of eligibles examined in the state in which the vacancy exists.

Clerk in the Army Transport Service.—Certification for filling vacancies in the position of clerk in the Army Transport Service will be made of eligibles examined in the city, or the vicinity of the city, from which the transport sails.

Other Educational Positions.—In filling vacancies in any position filled by educational examination not specifically provided for above, certification will be made of eligibles examined at the place at which, or in the immediate vicinity of which, the vacancy exists, except in the absence of local eligibles after due opportunity of local competition has

confine certification to that district, resort may be had to a larger area or even to the whole country.

Examining and Recruiting Organization.— Under the Chief Examiner at Washington is a force of examiners and examining clerks. In addition to its own staff of examiners the Commission makes use to some extent of the personnel of the various departments for the preparation of questions and the rating of examinations, particularly in connection with the more technical and scientific subjects. Occasional use is also made of experts not in the government service for special examining work. In addition to this central force the commission maintains at twelve principal cities district offices in charge of district secretaries. The function of these officers is to serve as centers for publicity, for the conduct and supervision of examinations and for the maintenance of eligible lists for the districts within their jurisdiction. The only examining work, that is, actual rating of candidates done in or from these dis-

been afforded, when certification may be made from registers for the nearest locality containing the names of available eligibles.

When certification for filling vacancies in a certain position or class of positions ordinarily is restricted to eligibles examined within a certain prescribed territory, and it is found to be impracticable to obtain sufficient eligibles from examinations held in such territory, then, when the territory in which the examination is held is extended by special announcement of an examination in an effort to obtain additional eligibles, the territory from which certification will be made is likewise extended for the vacancy or vacancies covered by the announcement, unless the announcement specified otherwise.

Non-educational Positions.—In filling vacancies in non-educational positions for which applications are filed with the district secretary, certification will be made of eligibles readily available for employment—that is, of those who live in the place or in the vicinity of the place of employment and of those who do not live in the place or vicinity but who have presented themselves to a member of the local board of civil service examiners (or to the employing officer, when there is no local board member) at the place at which employment is desired. An eligible who does not live in the place where he desires employment will not be certified for appointment there until he has personally appeared before a member of the local board of examiners (or the employing officer) at that place, has secured a certificate from the board member (or the employing officer) showing the date on which he appeared, and has filed such certificate with the district secretary. In this connection vicinity is defined as the territory within the usual commuting distance. An employing officer is the official in charge of an office or other establishment.

In filling vacancies in non-educational positions for which applications are filed with local boards, certification will be made in accordance with the special regulations governing.

trict offices is in connection with examinations for skilled trades positions.

At each town of any importance within each district, moreover, is a so-called local civil service board consisting of three persons employed in one or another of the field services of the government. These boards are specifically created by the civil service act which provides that "the commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of any one so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them." At the present time there exist some 2,000 of these boards. Their function is to give information regarding examinations, and to conduct written examinations for the positions for which there are numerous competitors.

Places of Holding Examinations.—The number and distribution of the places in which the examination is held is an important factor affecting the extent of the competition secured for a given position. As stated in the preceding chapter, for a number of positions, the Commission does not require the competitors to assemble in any one place; but it does for the great clerical examination and those for technical positions to which appointments are made in considerable numbers. In these examinations, the great area of the country presents to the Commission an examination problem far more difficult than that found in any other jurisdiction in the world where a system of competitive examination for the public service is in force. The Commission, from the beginning, has grappled boldly with the problem, and has developed a system under which the examinations for the more popular positions are

fully as accessible to every citizen, so far as the place of holding is concerned, as they could reasonably be expected to be, and probably more so. There are now 443 cities in which the Commission has rooms permanently assigned for examination purposes.

The examinations for the ordinary clerical positions are held at hundreds and sometimes even thousands of points. In the examination for census clerk held in 1919 to fill several thousand vacancies in Washington, applications were invited for examination at any of 2,150 points. For the scientific or other specialized positions in which vacancies are few and infrequent, examinations are held only at the more important centers.

Ordering of Examinations.—The ordering of examinations is done largely upon the specific requests of departments; though, in a number of positions, the demand is so regular and unremitting that examinations are held periodically almost as a matter of course. In connection with the ordering of examinations, the commission has been prone in the past to allow the appointing officers or the department concerned to have a large, if not determining, voice in deciding whether a special examination shall be held for a particular position open in the department, or whether the positions shall be filled by certifications from lists obtained by other examinations of a similar or more general kind. Where much heed is given to the views of departments in this respect, it is the universal experience that each department tends to overemphasize greatly the peculiarity of the qualifications required for its own work and to favor special examinations when, from any outside viewpoint, candidates obtained as the result of examinations of a more general kind would be amply satisfactory. This result has unquestionably ensued in the federal service and persists to-day, although in lessened degree. The Commission would do well to adopt a more independent position in this matter than it has heretofore, and to insist on its own right and ability to decide at least in the case of the run of subordinate positions the propriety of filling such positions from any given list.

A factor which has greatly increased the difficulty under which the Commission has labored in unifying its examinations has been the absence of standard titles and work specifications for the several positions. A mere dissimilarity of titles as between different departments has given the appearance of dissimilarity in duties when no real dissimilarity was present. This is a point at which the need for standard classifications of types of service common to two or more departments, and the advantages to be realized by such standardization, are very great, though not commonly appreciated by those not in intimate contact with the workings of a large public personnel system.

In connection with the problem of unifying examinations the following statement, made in 1909 by the Chief Examiner of the Commission, is of interest:

> Particular attention is invited to the progress that has been made in carrying out the Commission's policy of consolidation, or unification, of examinations and resultant combination of eligible registers. Additions to the classified service have usually taken the form of executive orders directing the classification of one or more entire branches of the service at a time. In applying the examination system to the different services as they were classified it was found that appointing officers held various views as to what constituted suitable examinations or tests. The result has been a variety of different examinations for practically similar positions in different parts of the service. For example, the examination for elevator conductor in the departments at Washington and in some offices in the field consisted of a simple mental test combined with a rating on experience, while the examination for the same position in the custodian service contained no mental test. Again, in some branches of the service the examination for watchman consisted of simple mental tests, physical condition, and experience, while for other parts of the service no mental test was given. It was found that three different kinds of examinations were given for the position of messenger in various parts of the service. Likewise, there grew up a number of examinations for general clerical positions, which, though similar in degree of difficulty, contained different forms of tests.

It is highly desirable, economically and otherwise, that the examinations for a given kind of position common to more than one branch of the service be identical in scope and character wherever such positions may occur in any part of the classified service. Accordingly, the Commission has asked and obtained the assent of departments concerned to the unification of examinations for several positions, as follows: Messenger, watchman, skilled laborer, elevator conductor, trained nurse, physician, and general clerical positions. It is hoped still further to unify and consolidate the examinations and thus to simplify in many ways the work of the Commission in holding examinations, rating papers, and certifying eligibles, as well as to make available for the service the best material in the way of applicants, that has been divided among different registers of eligibles.

The application of this policy will tend to eliminate complications in the matter of assignments of employees and to give greater elasticity and availability to the force in any particular establishment or part of the service. Particularly, it is believed that great benefit will result in the filling of vacancies in the various field services, for it will be possible to have the eligible registers for these services kept in the offices of the Commission's district secretaries throughout the country; examinations to be held locally and registers maintained separately for each particular place and its immediate vicinity, where there may be federal establishments; and the matter of certification and selection for appointment will then be handled in the first instance by the local officials in charge of the various services and the Commission's district secretaries. It is believed that this procedure will result not only in economy of time and labor in promptly filling vacancies, but will also give the local officials the opportunity to select and recommend for appointment the best fitted of those certified.

Advertising and Inviting Applications.—When an examination has been ordered, the next step is to advertise and invite applications. Ordinarily use is made of the post offices and other public buildings for posting announcements of examinations, and a number of educational and other institutions regularly receive all announcements of the Commission and bulletin them. Incidentally the not inconsiderable number of correspondence schools which undertake to give instruction, or

rather to coach, for the principal examinations at which large numbers are examined, such as clerk, carrier, etc., furnish a considerable quantity of advertising, much of it, however, more or less unreliable and misleading. Finally, announcements are sent to many newspapers and technical periodicals, which give publicity to such announcements in their news columns.

In addition to these general methods the Commission furnishes the announcement of any particular examination, as ordered, to any one filing his name with the Commission. The difficulty with this method is that the applicant must specify the particular examination. Several years ago the Chief Examiner of the Commission recommended that a method be adopted whereby application could be made for information regarding all examinations which might be in line with the individual's qualifications. He stated:

Many persons who might be well qualified for some position in the classified service are not sufficiently familiar with the organization of the departments, the places of employment, and the qualifications needed in the different offices or establishments, to enable them to decide for which position their experience, training, and education best fit them to compete. For example, because of lack of knowledge where to obtain the information or because of failure to see in a newspaper or to observe elsewhere the announcement of some examination exactly fitting his qualifications, a person may apply for an examination for a position for which he is not fitted, whereupon he fails to pass, or, if he passes, his rating is too low to bring him within reach of certification for appointment. If he had known of the examination for the position which actually fitted his qualifications, he would have had an excellent prospect of appointment and the government would have been in position to avail itself of his services.

It is suggested that the commission might well supplement its present means of communication with intending applicants by incorporating in the Manual of Examinations a blank form on which an intending applicant may set forth a statement of his age, experience, and education, the places where, and the salary at which he would accept employment, and file it with the commission. The commission would then be in position

to call to his special attention any examinations pending or announced in future which seemed most closely to fit his qualifications. The qualifications needed in the public service cover a field so wide that, unless an applicant's demands as to salary or place of employment are such as to make it impossible for him to secure government employment, the commission would be able to advise him, when in possession of data in regard to his experience, education, etc., of examinations for positions for which he would be best fitted and which might not otherwise come to his attention.

Such a plan could not, however, be carried out unless additional employees were provided, but it is believed that the benefits to the service which would result would amply justify the necessary additional expense for clerical assistance.

No action was, however, taken on this recommendation. In addition to these regular methods of publicity the Commission quite frequently, when an examination is ordered for which special technical qualifications are demanded, goes to considerable lengths to reach all classes of persons who may be in a position to bring the needs of the government to the attention of qualified persons.

As the range of governmental activities has widened, necessarily the number and variety of the commission's examinations have increased, and there has arisen need for closer and more definitive advertising of examinations in order to reach the best qualified applicants. Therefore, in addition to the procedure ordinarily followed in announcing examinations, the application division has gradually built up, for scientific and technical examinations, a series of mailing lists of publications, universities, and colleges, associations, clubs, professors, and technical experts, to whose attention are brought any examinations in which it is believed they will be directly interested or can interest others.

Illustrative cases are:

Valuation analyst, Interstate Commerce Commission: Announcements for this examination were sent to 400 professional, technical, or railroad publications, 1,300 chief accounting officers of railroads, 700 members of the American Statistical Association, 700 secretaries of trade organizations, and, through the courtesy of the Chamber of Commerce of the

United States, a notice of the examination was inserted in its bulletin, which was distributed to 700 commercial organizations and 3,000 individuals.

Chief statistician for vital statistics, Bureau of the Census: Announcements were sent to 175 medical journals, 100 health officers of cities of more than 50,000 inhabitants, 48 State health officers, 500 actuaries and statisticians of insurance companies, 700 members of the American Statistical Association, 50 secretaries of American medical societies, and 48 secretaries of State medical boards.

Despite the zeal and thoroughness with which the Commission has thus attempted to canvass the field in the case of positions of a technical character, it is believed that the use of display advertising in scientific and technical journals, in addition to the news notes of examinations which now appear in those journals, would bring the examinations to the attention of a wider circle, embracing many men and women whom present methods do not reach because these people, to begin with, do not have any interest in the federal service. It has been the experience of commissions elsewhere, particularly of the New York City Civil Service Commission, that display advertising in these journals does reach this most desirable class of possible applicants. The expense involved, moreover, is, because of the low rates charged by most of these publications, relatively small. The federal commission has never made use of this method. It never has obtained any appropriation for the purpose; nor has it ever made a serious attempt to do so.

Safeguarding the Integrity of Examinations.—In any formal system of examination, safeguards must be provided to insure the integrity of the examination; and if the system is on a strictly competitive basis the need is, of course, greatly increased. The most obvious need is to prevent the questions in written test, or the "problem" in a manual or "practical" test, from becoming known to any of the competitors prior to the test.

The procedure which has been adopted by the Civil Service Commission to keep advance knowledge of the questions, not

only from the competitor, but from the local board, has been thus described by the Chief Examiner of the Commission: [1]

The questions for assembled examinations are prepared by the examiners in Washington, the utmost care being taken to see that their confidential character is preserved during the course of their preparation and printing. The original of any set of questions bears the initials of the examiner or examiners who prepared it. Only one copy is allowed to be made, no copies or notes of the question being allowed to be retained by the examiners who prepare them.

The examination question room, where unused printed questions are kept, is accessible only to the clerks employed there and to the supervising officers. The application division advises the clerk in charge of the question room of the number of applicants for whom papers must be shipped to each place of examination, and shipments are made accordingly, in securely sealed packages, to the local secretaries of the boards of examiners. The seals are not broken until the competitors are assembled, and then only in their presence. An invoice of the papers shipped is inclosed in the package, and the local examiners are required to account for each paper shipped, both used and unused papers to be returned under seal, by registered mail, to the Commission immediately after the close of the examination.

The impersonation of a candidate by one who is better qualified to take the examination, or, subsequent to the examination, the impersonation of the examined candidate with his consent for the purpose of obtaining appointment, are additional possibilities against which precaution must be taken. Prior to 1914 the Commission relied for this purpose upon a comparison of the "declaration sheet" filled out by the competitors at the time of examination with one filled out at the time of appointment; and this method was successful in preventing numerous attempts at impersonation.

It is not possible, however, under this plan, to detect attempts at impersonation in all cases at the time the appointee reports for duty, for the reason that a considerable period of

[1] Thirty-first Report of the United States Civil Service Commission (1914), p. 28.

time may elapse between the actual selection of the appointee from a certificate issued by the Commission and the date he reports for duty; consequently his examination papers are not in the possession of the officer before whom the declaration of appointee is made, but have been returned to the commission with the report of selection, and the actual identification cannot be completed until the commission has had an opportunity to compare the declaration of appointee with the answers to the personal questions in the application and the examination papers. For the reasons stated, it has happened that persons not entitled to be appointed have been sworn in and have actually served for short periods before their deceit or fraud has been discovered. The departments have, of course, promptly removed persons who have fraudulently secured appointment, upon report of the facts by the commission; but it has been felt for some time that a system should be put in operation whereby it would be impossible for an individual to impose on the government by securing employment by fraudulent means, even for a short period of time before discovery and punishment.

From the beginning of the examinations for the Philippine and Panama Canal services each competitor has been required to present to the examiner at the time of examination a photograph of himself taken within two years, as a means of identification. This, of course, is a positive identification of the competitor, and when the photograph is compared with the face of the person who reports for duty, there can be no question of impersonation. In the case of appointments to these services beyond the seas it was absolutely necessary that positive identification should take place before the appointees sailed, at the expense of the government, for their places of employment. The requirement was later extended to examinations for the Indian Service and for guard in United States penitentiaries.

The extension of the use of photographs for identification of competitors to all examinations of the commission involved a large amount of additional work for the commission, in the handling of applications and in the proper filing of the photographs with the examination papers. It also involved a slight additional expense to each applicant. Therefore, although the commission has for years recognized the advantages of the use of photographs for identification, as shown by their use for some services, the extension of the plan to all

examinations has been withheld until the present time. By action of May 27, 1914, the use of photographs for identification of competitors was extended to all examinations.[1]

A final type of precaution found necessary is that aimed to conceal from the examiner the identity of the candidate whose paper he is rating. The procedure on this head is thus described by the Chief Examiner of the Commission:

The first paper given to a competitor in an examination is known as the "declaration sheet," and this is the only paper of his examination on which he signs his name. The declaration sheet is, in other words, a sheet of identification. It bears at its top a printed number, which is to be used by the competitor in place of his name on all other sheets of his examination. Before any of the actual examination is given to the competitor he must fill out and sign the declaration sheet, placing his examination number on a sheet of general instructions, or preliminary sheet, which he retains until the examination is completed. As soon as all the competitors have filled out the declaration sheets these sheets are collected, placed in an envelope, and sealed, there to remain until the papers of all the competitors have been rated. Competitors are invited to remain and see the papers wrapped and sealed for return to the commission.

When the returned papers are received at the commission's office, they are sent direct to the examination question room, where they are opened and the invoice checked. Unused questions are returned to the proper place and the used papers are arranged by subjects, in bundles containing from 100 to 300 sheets. A bundle of papers on one subject is often composed of papers from many different examination places. After the papers have been so arranged by subjects, they are sent to the examining division for rating. Each examiner who rates examination papers specializes on certain subjects. The identity of any competitor on whose paper he may be working at any time is unknown to him. The rating is done in accordance with specific rules laid down by the commission, and the work of each examiner is reviewed by another, not because of any suspicion of favoritism or unfairness on the part of the first examiner, but in order to secure accuracy in the rating. An examiner is not permitted to

[1] Report of the Chief Examiner, contained in the Thirty-first Report of the United States Civil Service Commission (1914), p. 27.

select the papers of his special subject for any particular place of examination, but his work is assigned to him by an issue clerk, who assigns it in such manner as to complete the whole most expeditiously.

When the papers of all the subjects have been rated and reviewed they are assembled and the general average computed, after which the envelopes containing the declaration sheets are opened. It will be seen that in this way the identity of the competitor is not disclosed until all the rating is completed for all of the competitors of the same examination.

In this connection it should be noted that no precaution can be taken by which an examiner may be prevented from recognizing the handwriting of a competitor whose handwriting is familiar to him. It is this possibility which is especially present where the personnel of the several departments assist in the rating, for it frequently happens that some of the competitors are drawn from the personnel of the same department as the examiners.

In rating experience it is extremely difficult to conceal the identity of the several candidates from the examiner. In the first place, even if the rating is based solely on the candidate's own statement, the well informed examiner in the case of important positions is more than likely to identify some of the candidates merely from the facts given by them regarding their experience. In no way can this be guarded against. In many cases, moreover, the Commission makes inquiry of persons referred to by the candidate as qualified to express opinion as to his qualifications, and it places the replies before the examiners as a basis for rating, and consequently it is next to impossible, except at a disproportionately great cost for clerical labor, to conceal the identity of the candidates from the examiners.

At several minor points in the present practice of the Commission additional precaution might be taken without any considerable expense. One of these would be to revise the form of application blank so as to permit the name of the candidate to be detached before the submission of the blank to

the rating examiner, a practice in vogue with most local commissions. Again, there is no reason why the vouchers submitted by the candidate should be placed before the rating examiner, inasmuch as the persons making such vouchers are not required to testify to the candidate's qualifications but merely to his good character. The present practice on this point permits shrewd candidates desiring to impress the examiners, to obtain the signatures of influential persons who may in fact be but slightly acquainted with them, though satisfying the technical requirements of the voucher.

It may be of value to mention here the several statutes which afford additional protection to the integrity of the Commission's examination system. The civil service act itself provides (Section 5) that:

> Any said commissioner, examiner, copyist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in coöperation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days nor more than one year, or by both such fine and imprisonment.

It will be noted that the application of this provision is restricted to persons in the public service. In addition, under various decisions, it has been held that the statutes forbidding perjury [1] prohibits willfully false answers by applicants and

[1] Criminal Code, Section 125.

the statute prohibiting forgery for the purpose of defrauding the United States [1] covers impersonation, and the forging of vouchers. In addition the statutes prohibiting bribery [2] are also, of course, applicable to acts done in connection with examinations. Perhaps the most sweeping statutory protection, however, is that found in the provisions of the Criminal Code prohibiting conspiracy [3] which provides for the punishment of either party to a conspiracy, where "two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose and one or more of such parties do any act to effect the object of the conspiracy." Since it has been held that any conduct by virtue of which a person obtains or is put in the position of obtaining appointment contrary to the laws and regulations constitutes a fraud upon the United States, it would seem that this statute covers virtually any improper act and punishes not merely the officer of the United States, as does the provision of the civil service law, but the candidate. The section, however, has never been invoked except in connection with the making of a false statement. Moreover, it should be noted that it applies only where there have been two or more parties involved in the act. The act of a single competitor could not be brought within this section, and presumably, unless falling within the statutory prohibitions against perjury, forgery, or bribery, would not be punishable.

Examination of Fourth Class Postmasters and Rural Carriers.—For one class of competitive classified positions, the system of examination is necessarily different from that used for ordinary positions, namely for fourth class postmasters. These postmasters are in charge of village offices the annual receipts of which for stamped paper are less than $1,800. In most cases these positions are filled by the appointment of retail storekeepers who conduct the postal business in their stores.

[1] Criminal Code, Section 28.
[2] Criminal Code, Sections 39 and 112.
[3] Criminal Code, Section 37.

The regulations now in force[1] divide the fourth class postmasterships into two distinct groups, according to whether the annual compensation is less than $180, or $180, or more. The positions in the first group, now numbering about 15,000, are only nominally in the competitive service. They afford little, if any, opportunity for competition, since an office paying less than $180 is almost always located in a place so small that it contains not more than one store or other place suitable for a post office. The method provided here by the regulations is that of appointment after report of a post office inspector, based on a visit to the locality, such visit being made after public invitation of applications and notice of the intended visit. The inspector's report must also be filed with the Commission. Political or religious considerations in selection or appointment are prohibited. It is further provided that upon sworn statements submitted by one or more persons, who are property taxpayers and patrons of a post office in this class, that an applicant or eligible is unsuitable, the Civil Service Commission, if satisfied with the evidence submitted, may bar an applicant from further examination, or, if already examined, for appointment, or, if already appointed, may even require his removal.[2]

[1] "Regulations Governing the Appointment of Postmasters of the Fourth Class," U. S. C. S. C., Form 1752.

[2] The regulations are as follows:

Appointment to offices having an annual compensation of less than $180 shall be made in the following manner: When a vacancy has occurred or is about to occur in any such office, the Postmaster General shall direct a post office inspector to visit the locality and make report for appointment from among the persons filing applications, in the order of their fitness; due notice of such visit shall be made in the locality to be visited; such report shall be based solely upon the suitability of the applicant and his ability to provide proper facilities for transacting the business of the office. The inspector shall make his report in duplicate and accompany each duplicate with a list of all applicants. Such report shall include a statement of the qualifications of each applicant and of the reasons for such report. The Post Office Department shall transmit to the Civil Service Commission one copy of such report showing the action thereon.

Whenever persons who are property taxpayers and patrons of a post office having an annual compensation of less than $180 submit to the Civil Service Commission and to the Post Office Department sworn statements in duplicate, over their own signatures, that an applicant, an eligible, or an appointee, is unsuitable for office, giving specific reasons therefor, the commission may investigate the matter, and if upon

It will thus be seen that fourth class postmasterships paying less than $180,[1] although in the competitive classified service, are filled without intervention of the Civil Service Commission, except as such intervention is invoked by citizens as to the unfitness of any particular candidate, or as it is initiated by the Commission because of suspicion of political considerations having entered into appointment. Since these orders went into effect, there have been but few cases in which the Commission's intervention was invoked under the first head, or in which it has intervened under the second. It may be said, therefore, with substantial accuracy that the power of selection of the Post Office Department as to these offices is uncontrolled except where the recommendation of the post office inspector on its face is so unreasonable as to warrant the suspicion that it was made for political or other improper considerations.

With respect to the positions in which the compensation is $180 or more, now numbering about 20,000, the order provides that appointments "shall be made in the same manner as provided by the civil service laws and rules for other

the evidence it is shown to the satisfaction of the commission that, in the case of an applicant or an eligible, he is unsuitable for appointment, he shall not be further considered for appointment; and if, in like manner, it is shown to the satisfaction of the commission that an appointee is unsuitable for office he shall be removed after due procedure required by law; and the Post Office Department shall, upon receipt of such sworn statements from patrons, suspend appointment in the case of an applicant or eligible to which such sworn statements may relate until said investigation is made by the Civil Service Commission and reported.

In all cases selection for appointment shall be made with sole reference to merit and fitness and without regard to political or religious considerations. No inquiry shall be made as to the political or religious opinions or affiliations of any applicant or eligible and in conformity with section 10 of the civil service act no recommendation in any way based thereon shall be received or considered by any officer concerned in making selections or appointments. The attention of the writer of any such recommendation shall be invited to the purport of this verbal recommendation. Where it is found that there has been a violation of these provisions by any officer concerned in making selections or appointments, such fact shall be cause for the immediate removal of such officer from the service, and the Civil Service Commission shall make prompt report of any such case for appropriate action to the Postmaster General or, as to presidential appointees, to the President. The appointment of the fourth class postmaster concerned, if effected, shall be canceled.

[1] The same applies to offices paying more than $180 under certain conditions.

positions in the competitive classified service." [1] Under the original regulations, made pursuant to the order of 1908, and since superseded, the Post Office Department participated in the examinations to an extent not permitted to the appointing departments in the case of any other class of positions. Two types of examination were given, according as the office paid as much as or less than $500. In the examination for offices paying less than $500 [2] facilities for transacting the postal business were not considered, but on the other hand the rating was not competitive, the Post Office Department being allowed to determine, presumably on the basis of facilities for transacting the postal business, the relative standing of all candidates who had passed the examination. In the case of offices paying $500 or more, the examination embraced as one of the subjects of rating "facilities for transacting the postal business," the rating on this subject being determined by the Post Office Department and having a weight of three points out of ten, and this practice was continued with respect to offices paying $500, or over, under the order of 1912, extending the system to vacancies over the country as a whole.[3]

Under the regulations now in force, however, which were promulgated in 1913 upon the extension of examination to all offices paying as much as $180, not only is the subject of

[1] Two cases, however, are provided for by the Executive Orders in which selection may be made in the discretion of the Commission even for these offices in the same way in which it is made where the compensation is less than $180. These are (1) "in the event that for the examination of any such office less than three persons appear; and (2) where no eligibles are secured by examination." In connection with the latter case it is provided that "the Civil Service Commission shall hold a second examination for each office which has an annual compensation of as much as $500, and for which no eligibles were secured as a result of the first examination. The Commission may also, in its discretion hold a second examination for any office in which no eligibles were secured as a result of the first examination, and which has an annual compensation of between $180 and $500." Thirty-fifth Report of the United States Civil Service Commission (1918), pp. 109-111.

[2] Except in Illinois, Massachusetts, New York, and Ohio, where no examination was given for such offices, appointment being made on the report of a post office inspector.

[3] Under these regulations examination was abolished for positions paying less than $500, such positions being filled upon the reports of post office inspectors, which, under the 1909 regulations, had been used only in the four states of Illinois, Massachusetts, New York, and Ohio.

"facilities for transacting the postal business" no longer an element in the examination, but the department is excluded from any choice beyond that open to it under the rule requiring the certification of three names for each vacancy, shortly to be discussed.

The system of examination employed for the competitive selection of rural carriers is also of special interest as illustrating the practicability of applying this method to a class of personnel more scattered perhaps than any other class of public employees in the world. The system of rural free delivery, though established earlier, was considered an experiment until about 1901. The position of rural carrier remained in the excepted class until November 27, 1901, when President Roosevelt brought the entire service into the classified competitive service at one stroke. On December 27, 1901, regulations were promulgated to become effective from and after February 1, 1902.

The first regulations, under which the service was operated for two years, provided a simple test consisting of filling out an application in the presence of a rural agent of the Post Office Department, acting in the capacity of an examiner for the Commission. This rural agent was then required to make an investigation of the reputation of the competitor in the community in which he lived, and of the wishes of the patrons; his report being used as a basis upon which to determine a relative merit of the various applicants. From the first it was believed that this policy was unsafe in that it afforded too great an opportunity for political preference brought about by influence bearing upon the agent. But few complaints of a serious nature resulted.

In time the extent of the service rendered it impractical to continue this system on account of the large expense of conducting the examinations, especially in connection with the changes that occurred in the established service by reason of deaths, resignations, and removals, which made it necessary for the examiner to visit many of the offices frequently, as often as three and four times during one year. This condition caused the necessity for many temporary appointments pending the establishment of registers from which certifications

could be made, and in a number of instances the suspension of the service, owing to the fact that it is difficult to get suitable persons to accept temporary appointment. After consultation with the Post Office Department, other regulations were promulgated on December 3, 1903, to become effective February 1, 1904.

The new regulations, which have endured with but little change down to the present time, require competitive examinations, and, for a time, the administration of these examinations was practically under the jurisdiction of the Post Office Department. In 1906, however, the Commission was able to announce that, during the fiscal year ending June 30, 1906, all of the work in connection with rural carrier examinations and certifications had been conducted by employees of the Commission.[1]

In 1911 the standard of the examination was made the same as that for clerks and letter carriers in classified post offices in order to raise the standard of appointees and to facilitate transfers between these classes of positions. In addition, the practice of holding a separate examination for each post office on the routes of which a vacancy occurred was abandoned in favor of examination by counties, together with the provision for the certification of the highest local eligible and the two highest eligibles from the territory served by the remaining post offices in the county.

As with other examinations for the field service, examinations are held by local examining boards where these have been organized, but, inasmuch as in a great many counties no local examining board exists, it is necessary in these counties to call upon the postmaster or other officer of the government to conduct the examination. From the apparent absence of criticism it may be concluded that the conduct of examinations at these remote points by officers not accustomed to such service has worked more satisfactorily than might have been anticipated.

[1] Twenty-third Report of the United States Civil Service Commission (1906), p. 9.

Speed of Production of Eligible Registers.—The length of time which elapses between the first announcement of the examination and the final production of the eligible register is another factor which is of high importance in the effective working of a system of recruitment through competitive examination. When the examination is announced and applications invited, all those who respond are presumably interested in the position and will accept appointment if then offered. The longer the delay, however, before the actual establishment of the eligible register, and the offering of appointment to those selected, the greater the likelihood that some, and usually the most desirable of the competitors, for one reason or another, will have lost interest in the position. The methods employed by the Commission have reduced the time intervening between the announcement of the examination and the actual holding of the written or oral tests, where such tests are held, as much as can be expected; far more in fact than has been the case with many local commissions. What delay now occurs at this stage is so small as probably to have no effect on the quality of the competition. The interval which elapses, however, between the holding of the examination and the promulgation of the eligible register is in many cases far too great.

The chief cause of the delay is the inadequacy of the examining force of the Commission. Referring to this matter the Chief Examiner of the Commission, in 1915, said:

> It is impossible for the government to obtain the fullest value from the commission's work when the number of examiners and clerks is insufficient to keep abreast of the examining work at all times. By arranging the schedule in such a way that the work is distributed with a fair degree of evenness throughout the year, as outlined in my last report, it would be possible, with an adequate force, to make very much quicker returns from the examinations. This would be of material advantage to the service in several ways. Vacancies could be filled without long delays, and some of the best qualified competitors, who now become unavailable by reason of delays in rating their papers, would not be lost to the service. Ex-

aminations for rural carrier, fourth class postmaster, clerk and carrier in second class post offices, and technical and scientific positions can be held only after vacancies actually occur or are anticipated within a short time. Notwithstanding every effort to expedite the establishment of registers from such examinations, the congestion of other papers constantly on hand necessarily retards the work. For example, it is the desire of the Post Office Department that eligibles for rural carriers be provided within 60 days from the date of notification to the commission of a vacancy. Owing to the inadequate force of examiners and clerks it has been absolutely impossible to comply with the department's wishes in this respect. The average time elapsing between the notification of the vacancy and the certification of eligibles for rural carrier, under present conditions, has been approximately five months.[1]

The provision of an inadequate force of examiners for the Commission is thus seen to be a factor of primary importance in the success of the competitive examination system as a whole.

In eliminating unqualified candidates by the successive tests, and in eventually promulgating the eligible register, the Commission follows the practice common to most civil service commissions in this country of setting for each test a minimum percentage to be obtained. It will be observed that this method bears no relation to the prospective needs of the service. The number of competitors may be so large that a number far in excess of the anticipated needs of the service will pass each successive test with a percentage higher than the prescribed minimum. Where this occurs the labor expended in the examination and the placing on the eligible register of a large proportion of those receiving lower percentages, is entirely wasted, since in the nature of the case the life of the register must expire long before any possible need for the services of these persons ensues. In addition to the waste of labor there is the corresponding delay in producing the eligible register. A more practical method would seem to be to fix, not a minimum

[1] Thirty-second Report of the United States Civil Service Commission (1915), p. 20.

percentage for the several successive tests, but a maximum number to be rated qualified on each of the successive tests, such number to be fixed with relation to the prospective needs of the service. This method has been used with apparently good results by the Canadian Civil Service Commission.

Appeals for Re-rating.—Owing to the necessity for issuing ratings and making up eligible registers without any thoroughgoing review by an authority higher than the original examiners, provision is made in the practice of the Commission, though nowhere mentioned in the rules, for appeal from the original ratings given by the Commission. Such appeal may be made either by the candidate, or by the department, if the Commission permit the appointing officer to have access to the papers upon which the ratings are based. Upon receipt of such a request for re-rating, it is referred to a so-called Board of Appeal, consisting of the Chief Examiner and two other examiners. The recommendation of this board, reached after an examination of the papers and relevant facts, is transmitted to the Commission itself for approval.

In the letter advising candidates of their ratings the Commission notifies the candidate of his right to appeal, but warns him that "if any changes are made in the ratings the chances are that they will be against the competitors, because, in the original rating, examiners are more likely to overlook errors than to overcharge them." A sixty-day limit is fixed for the receipt of appeals from competitors. No corresponding limit exists, however, as to the length of time, after receipt of certification, in which an appeal must be made by the department, and in practice the time limit on appeals by competitors is not rigidly enforced.

Military Preference.—After all the tests comprising an examination have been applied and the gradings have been established, the percentages obtained by each competitor on the various tests are weighted and computed; and, on the basis of the final average thus obtained, the eligible register is prepared. The arrangement of the names on the register is in the order of percentages, with the exception that preference

is given to those who have had certain military services. The practice governing this preference is clearly of the first importance.

The history of military preference in the federal service extends back to 1865, when Congress enacted that

> Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office.[1]

In enacting the civil service law Congress specifically retained this preference in force by providing that "nothing herein contained shall be construed to take from those honorably discharged from the military and naval service any preference conferred" by the section just cited.[2] In 1881, prior to the enactment of the civil service act, the Attorney General gave it as his opinion that these provisions meant that qualified soldiers and sailors "are entitled to a preference for appointment against other persons of equal qualifications for the place," [3] and, similarly, in 1889, that "it was the purpose of Congress to make it the duty of those making appointments for civil offices to give a preference, other things being equal, to the class of persons named in this section." [4]

These opinions, it will be noted, insist only upon the right of the disabled soldier to be preferred to those of equal qualifications. The civil service rules, however, went much further. The revision of the rules promulgated in 1888 established the principle that those entitled to preference should be preferred above all others, of whatever rating, and that, moreover, they should be regarded as qualified even though receiving a rating of 65 per cent, as against the rating of 70 per cent required

[1] Act of March 3, 1865, 13 Stat. 571, reënacted as Sec. 1754 of the Revised Statutes.
[2] Civil Service Act, Sec. 7.
[3] Opinion of the Attorney General, August 13, 1881, 17 Op., 194.
[4] Opinion of the Attorney General, May 24, 1889, 19 Op., 318.

of all non-preferred competitors. This principle has been retained without change.

By these provisions the disabled ex-soldier or sailor was not only preferred over all others who had passed the examination but he was permitted to pass at a lower rating, so that one who would have failed to qualify had he not been a disabled ex-soldier or sailor might be given first call upon the position.

Judged on the basis of the opinions of the Attorney General just cited, the Commission in these rules, clearly went beyond the mandate of Congress. In 1910, however, the Attorney General, at the instance of the Commission, and partly in deference to its long standing practice, ruled that the act of 1865 *required* that the preference granted by it should extend "over all others on the eligible list, irrespective of their rating." [1] This complete reversal of the rulings of his predecessors was put by the Attorney General on the novel ground that

> All persons who have passed the necessary examination are, under the civil service act and rules, presumed to be equally qualified for the office which they seek. Their rating simply determines the order in which they shall be certified for appointment.[2]

Even under this opinion, however, the Commission was not required to permit a lower standard of qualification for those entitled to preference than for other competitors. The action of the Commission on this point is, and remains under the new statutory provisions about to be reviewed, entirely gratuitous.

Such was the situation until a few months after the close of hostilities in the recent war. In February, 1919, in enacting the act providing for the taking of the 1920 census, Congress inserted a provision having no relation to the act itself which required that

[1] Opinion of the Attorney General, 1910, 28 Op., 298, 302.
[2] Thirty-fifth Report of the United States Civil Service Commission (1918), p. 52.

hereafter in making appointments to clerical and other positions in the executive departments and independent government establishments preference shall be given to honorably discharged soldiers, sailors, and marines and widows of such, if they are qualified to hold such positions.[1]

It is needless to comment on the impropriety of such extension of the principle of military preference, or to point out how much further it pushes the principle than did the act of 1865, which controlled for half a century. Preference is extended not merely, as in 1865, to persons discharged by reason of disability resulting from wounds or sickness incurred in the line of duty, but to all "honorably discharged soldiers, sailors and marines." A mere term of service in the Army or Navy is made the basis for a mandatory preference in all federal positions.

Further than this, the same preference is extended even to the widows of those in the preferred class,[2] a preference hitherto unknown to the law except for a provision regarding the retention in service of the employees of the temporary census office when it was placed on a permanent basis. Even here, however, the preference was only as to widows of "persons who have served as soldiers in any war in which the United States may have been engaged."

By act of July 11, 1919, this provision of the census act was substantially reënacted.[3] In addition, however, preference was extended "to the wives of injured soldiers, sailors, and marines who themselves are not qualified but whose wives are qualified to hold such positions." Whatever may be thought

[1] Act of March 3, 1919, 40 Stat. 1293.

[2] The qualification in the act, "if they are qualified to hold such positions," will be noted. Whether this qualification applied only to the widows of discharged soldiers, sailors, and marines or to the men themselves as well, and if so how far it qualified the principle, are now immaterial questions since by the act of July 11, 1919, about to be mentioned, this provision was in effect repealed.

[3] 41 Stat. 37. The words "in the executive branch of the government in the District of Columbia or elsewhere" are substituted for "in the executive departments and in independent government establishments," and the proviso "if they are qualified to hold such positions" is omitted.

of this further extension, if confined, as it is not in terms, to those who received their injuries in action, it has at least the merit of according with the notion of reparation or compensation which the other provisos wholly lack.

If criticism was properly directed against the Commission for recommending to the President the liberal rules adopted for giving effect to the military preference of 1865, similar action under these far more sweeping rules would certainly be open to much more severe criticism. Precisely such changes in the rules were made, however, presumably upon the recommendation of the Commission. The rules were amended waiving age requirements in the case of all persons preferred under the acts, and permitting such persons to qualify at a rating of 65 per cent. In connection with the postal examinations, veterans are exempted from the height and weight requirements.

Those wholly unnecessary concessions to the military preference classes, which are not required by the letter of the acts and are not even implied in their spirit, are difficult to reconcile with the sweeping condemnation visited on the acts by the Commission in its annual report for 1919. It says:

> The effects of so sweeping a preference, while profoundly demoralizing to the efficiency of the public service, will not immediately reach its maximum evil. The number entitled to preference will be at first so large that there will be a measure of competition among them, but a few years hence, when the present labor surplus has been absorbed, and when the more efficient workers among the soldiers have definitely determined their vocations, there will remain chiefly the less competent to be cared for, and these would naturally take advantage of any preference that may exist. Ultimately there would be a small number of candidates at a more advanced age for each office and they would receive the appointments without competition to the exclusion of the most highly qualified civilian applicants.
>
> Public office should not be regarded as a gratuity, but as an opportunity for service to the community by those most fitted to perform that service. To the extent that public office is an honor and a means of livelihood, all should enjoy equal opportunity to compete to gain such honor and livelihood.

Opposition to a preference which takes in all soldiers and their widows should not be considered in any sense as a disparagement of the services of our soldiers. This country has excelled all other nations in acknowledging the value of such services by honors and distinctions and by a pension system of unexampled liberality.

The merit system of competitive examination rests upon the theory that service to the country in a civil capacity should be an opportunity of public usefulness offered fairly and equally to all competent citizens according to their individual capacity and fitness, under a system where every applicant has a "fair field and no favor, each standing on his merits as he is able to show them by a practical test."

The civil service increasingly demands trained, educated, experienced employees, and to use the civil service as a reward for military service is an expensive method of pensioning. We want in office men who are not merely just over the line of availability, but the best men who can be obtained: sorted out by the best means; held to the highest standard of efficiency; made to feel it is the highest honor to serve the State. The future development of the United States will be dependent largely on the efficiency of its civilian employees. Under the merit system, examinations designed to test relative fitness are open and competitive for all American citizens who meet certain preliminary requirements, and appointing officers are required to fill vacancies from among the highest of these with sole regard to merit and fitness. The development of the scientific, technical, and professional work of the government has been contemporaneous with the development of examinations under the civil service act. It has been in large measure because of the merit system that the departments have obtained the high technical attainments requisite. The exemption of veterans from competition will cripple the work of the departments by forcing the appointment of veterans who barely meet the minimum requirements. A department needing a technical expert will be forced to accept a soldier whose training enables him to meet only the minimum requirements, thus rejecting the most highly qualified.

The service, no longer animated by the enthusiasm of the student fresh from the contact with the technical world, cannot fail to lose much of its progressive tendency.

The training of an efficient civil administrative officer is a long and expensive process, and unless the best possible ma-

terial is available from which to make selections the result will be disastrous. The supply of efficient administrators is extremely limited at best. Too much emphasis can not be laid upon the imperative necessity of highly trained administrators and the most highly trained clerical force from which to develop such administrators.

Those familiar with the federal service at Washington know that the service is now hampered by the retention of incompetents whose removal is rendered difficult by influences which are incompatible with the efficiency of the service. Preferences and exemptions increasingly clog the departments with persons who, no matter how inefficient, are difficult to remove and whose retention tends to destroy the discipline of the service.

Legislation creating class distinctions and preference, especially based upon military service, is not consonant with the ideals of this nation, whose founders declared against the military being superior to the civil power and for the equality of opportunity for all men. Those who serve the nation in time of war deserve much of a grateful country. If the nation wishes to reward in a fitting manner those citizens who have represented it in time of national peril, there can be no objection raised. It cannot be called, however, a fitting reward of patriotic service to grant to those who have rendered military service the privilege of impairing its civil service.[1]

The Commission recommends legislation "permitting the Commission to exclude from preference examinations of a highly technical, scientific, or professional character," a recommendation with which it is believed no one, however extreme an advocate of military preference, will take issue. It also recommends legislation that will confine preference to disabled soldiers, sailors, and marines, giving them an additional percentage in their rating on examination, instead of placing them at the head of the register.

The exception in favor of widows of honorably discharged soldiers, sailors, and marines, if permitted to remain on the statutes, in time will have a most baneful effect upon the personnel of the service. In the nature of the case the provision

[1] Thirty-sixth Report of the United States Civil Service Commission (1919), pp. xvii-xix.

will not come into operation in most cases until the woman who is prospectively entitled to its benefits is well advanced in middle life, so that beginning ten or fifteen years hence a large and increasing number of women past the prime of life who, for the most part, are without any previous experience in or training for the work of the government, or in any other related work, will flow into the subordinate positions of the government.

The preference extended by the statutes and rules applies only to certification and not to appointment. Under the "one-in-three" rule shortly to be considered in detail, the appointing officer may pass over the veteran, or veteran's wife or widow, and appoint one of the two other persons certified, but the sentimental appeal which the veteran, or his wife or widow, makes to the appointing officer, or should he prove callous, to members of Congress and others who may bring pressure to bear on the appointing officer, greatly reduces the importance of this factor.

Certification for Apportioned Positions.—The civil service act requires the rules formulated by the President to provide, "among other things," "as nearly as the conditions of good administration will warrant," that "appointments to the public service aforesaid [that is, to "the public service now classified or to be classified hereunder"] in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census." Pursuant to this requirement, the rules provide (Rule VII, 2):

2. Certification for appointment in the departments or independent offices at Washington shall be so made as to maintain, as nearly as the conditions of good administration will warrant, the apportionment of appointments among the several states and territories and the District of Columbia upon the basis of population: Provided, That appointments to the following positions shall not be so apportioned:

In all departments and offices: Apprentice, cabinet-maker, carpenter, electric lineman, electric wireman, engraver, gardener, helper (if approved by the Commission), messenger

boy, messenger girl, painter, plumber, skilled laborer (female), student, and telephone operator.

In the Government Printing Office, Mail Equipment Shops, local offices in the District of Columbia, field service of the military staff departments, and at Army headquarters: All positions.

In the Bureau of Engraving and Printing: Operative, plate printer, printer's assistant, and skilled helper.

In the Office of the Auditor for the Post Office Department: Operative for the audit of accounts and vouchers of the Postal Service by means of labor-saving devices.

All classified positions in Washington to which the rule of apportionment is applied are embraced under the designation "the apportioned service," while those excluded by the rule just quoted are designated "the non-apportioned service."

In making certification to non-apportioned positions, certification is made, of course, in the order of the average percentage without reference to the state of residence of eligibles.

It will be observed that the rule does not require the apportionment to be applied to all positions not specifically excepted by it, as it follows the wording of the law in requiring that the apportionment shall be maintained only "as nearly as the conditions of good administration will warrant." The Commission, in practice, has interpreted this rule as permitting it to "waive" the requirement of apportionment in any case. The only positions for which it has so waived the requirements permanently are: sub-inspector and architectural draftsman, Bureau of Yards and Docks, Navy Department; mechanical draftsman, Office of the Chief of Ordnance, War Department; and assistant physiologist in crop utilization, Department of Agriculture. In addition, during the war, owing to "the unusual demands of the service and the necessity of filling vacancies without delay," the apportionment was waived for the War and Navy Departments, the Food Administration, the War Trade Board, and the Treasury Department, and for all positions of elevator conductor.[1]

[1] Thirty-fifth Report of the United States Civil Service Commission (1918), p. 57.

The theory of the apportionment is to give each state the same proportion of all apportioned positions [1] as it has of the total population, but this is obviously impracticable. The reasons why it is not possible to make an exact apportionment have been stated by the Commission to be, in part, as follows:

1. When there are no eligibles from states having the least share of appointments it is necessary that vacancies be filled by the appointment of eligibles from other states. Eligibles possessing technical and scientific qualifications, having been lacking from certain states, and male stenographers and typewriters, for whom there is great demand, are obtained in relatively greater numbers from the states which tend constantly to excess in their allotment.

2. Whenever a person is reinstated in the apportioned service he is charged to the apportionment of his state, the reinstatement being allowed irrespective of the apportionment.

3. Preference in appointment is given by law to veterans honorably discharged for disability incurred in the line of duty, and they are certified for appointment before all other eligibles, irrespective of the apportionment, and their appointments are charged to the apportionment.

[1] Originally the law was interpreted to mean that only original appointments to the apportioned service from open competitive examination should be charged to the quotas of the several states. In 1910, however, the position was taken that the charge to each state should be based on the number of persons from such state actually in the apportioned service at the given time. This requires that record be made of all separations from the apportioned service, and also that account be taken of those persons holding positions in the apportioned service who are transferred from non-apportioned positions or who entered originally other than by competitive examination—a class which is, of course, rapidly decreasing. The method of applying these principles is thus set forth in a minute of the Commission adopted April 1, 1910, and amended April 15, 1916: "Hereafter all persons entering apportioned positions, whether through examination, by Executive order, legislative enactment, or otherwise, except those entering such positions under the temporary appointment rule, will be called upon to furnish proof of residence, and thereupon shall be charged to the apportionment; and all persons already in the apportioned service but not charged to the apportionment whose status is changed from one position to another in such service upon the certificate of the Commission shall, before such change of status is authorized, be required to furnish proof of residence and shall likewise be charged to the apportionment; and all persons already in the apportioned service but not charged to the apportionment who file with the Commission applications for promotion or other change of status in such service shall be required in connection with such applications to furnish proof of residence, and when such proof is so filed in the case of any person he shall be charged to the apportionment. The proof of residence shall consist of the usual personal affidavit . . . and the county officer's certificate under the act of July 11, 1890."

4. The effect of extensions of the classified service has been to give to some states, especially Maryland, Virginia, and the District of Columbia, further appointments in excess of their shares.

5. From May 29, 1899, to November 26, 1901, the rules provided that "the provisions in relation to apportionment shall be waived upon the certification of the appointing officer that the transfer is required in the interests of good administration." During the 30 months while this provision of the rule remained in force it resulted in approximately 130 charges to the apportionment of the District of Columbia alone.

In attempting to maintain the apportionment the general rule is to give each appointment, so far as possible, to that state which to date has received the smallest proportion of its proper quota of appointments. In determining the relative order of the states for this purpose three different methods have been used.[1] The quotation below outlines the system now in force as explained by the Civil Service Commission, which states that the system shows accurately at all times the relative standing of the states on the basis of the total number of appointments actually made.

This system and its workings can be explained by the use of the partial table on the following page:

The total population of the States and Territories and the District of Columbia, including Alaska, Porto Rico, and Hawaii, according to the census of 1910, was 93,346,543. The second column shows for each State its per cent of the total population, and its due share of each appointment.

To illustrate the working of this system it may be said that on March 17, 1911, 10,182 appointments had been made and each State was therefore entitled to 10,182 times its share of each appointment. As a matter of fact, some states had received more and some less. The number of times its share of one appointment which each state has actually received is shown in the fifth column, and this determines the relative order for certification under the present system.

The third column shows the value to each state of each appointment received by it. For example, Iowa is entitled to 2.38 per cent

[1] The explanation of the two methods formerly in use, the first until November 29, 1897, and the second from that date until January 6, 1911, is to be found in the Twenty-eighth Report of the United States Civil Service Commission (1911), pp. 136-38.

State or Territory	Per cent of total population, which is also the per cent due of each and all appointments	Times share of one appointment involved in each appointment received	Number of appointments received	Times share of one appointment received—relative order for certification
United States	100	1	10,182	10,182.00
Iowa	2.383345	41.9578	224	9,398.54
Wyoming	.156368	639.5170	15	9,592.76
Nebraska	1.277191	78.2968	125	9,787.10
Connecticut	1.194212	83.7372	117	9,797.25
New York	9.763204	10.2425	971	9,945.46
Ohio	5.106906	19.5813	521	10,201.86
Pennsylvania	8.211456	12.1781	846	10,302.67
West Virginia	1.308156	76.4434	143	10,931.41
Maine	.795284	125.7412	87	10,939.48

of each appointment. When it receives an appointment it receives 41.9578 times its share of each appointment. The number in the third column opposite each State is, therefore, a factor to be added to or subtracted from the corresponding number in the fifth column every time a resident of the state is appointed or separated from the service. For example, an appointment given to Nebraska increases its number in the fifth column by 78.2968, or to 9,865.39, and drops it below Connecticut in order of certification.

On March 17, 1911, the United States as a whole had received 10,182 appointments, which is 10,182 times its share of one appointment. Any State which had received more than 10,182 times its share of one appointment was in excess, while any that had received less than 10,182 times its share of one appointment was in arrears. The number of appointments to which a state is entitled at any time may be found by multiplying the total number of appointments by its per cent of the total population. The per cent of its share which any State has received may be found by dividing the number in the fifth column showing the total number of times its share of one appointment received by the total number of appointments received by all the States and Territories.[1]

The relative order of the states being thus determined, the next appointment would be made, if regard were had solely to the apportionment, and if practicable, from the state at the head of the list, and if no candidate was available from that

[1] *Ibid.*, p. 138.

state then from the state next on the list, and so on; and this was at one time the procedure. In recent years, however, the Commission has adopted a method which qualifies somewhat the strict and unmitigated application of the rule of apportionment. Its procedure now has two variations; one being applied to all scientific and technical positions and to positions of stenographer and typewriter paying more than $900 a year, while the second method is applied to all other apportioned positions. The first method is as follows:[1]

With the view of deferring the certification of eligibles with very low ratings from technical, scientific, and professional registers until practically all those with better ratings had been certified, the Commission, in 1910, established the following method of certification for scientific, technical, and professional positions and positions of stenographer and typewriter paying more than $900: Dividing the States and Territories into two groups, the first group constituted those that have not received their proportionate share of appointments and the second group those that have received more than their proportionate share, certification is made in the following order: (1) all eligibles in order of average percentage from the whole group of states in arrears with averages down to and including 75; (2) in like manner from the whole group of states in excess except the two last states and the District of Columbia; (3) from the whole group of states in arrears down to and including 73; (4) in like manner as in (2) down to and including 73; (5) all remaining eligible in order of average percentage from the whole group of states in arrears; (6) the same as (2) and (4) of all remaining eligibles; (7) in order of their standing under the apportionment from the last two states and the District of Columbia.

The method which is applied to all other apportioned positions is as follows:

1. Certification is made of the highest eligibles from one-half of the entire group of States and Territories that have not received their full share of the total number of appointments actually made (if the number of such States and Ter-

[1] Twenty-ninth Report of the United States Civil Service Commission (1912), p. 19.

ritories is uneven, the lesser number is taken) and this method is followed until all the eligibles from such states and territories have been certified with average percentages of as much as 80.

2. After all the eligibles described in (1) above have thus been certified, then certification is made in the same manner from one-half of the remainder of such group of States and Territories.

3. After all the eligibles described in (2) above have thus been certified, then certification is made in the same manner from the remainder of such group of States and Territories.

4. After all the eligibles described in (3) above have thus been certified, then certification is made as described in (1) above down to and including eligibles with percentages of as much as 75.

5. After all the eligibles described in (4) above have thus been certified, then certification is made as described in (2) above down to and including eligibles with percentages of as much as 75.

6. After all the eligibles described in (5) above have thus been certified, then certification is made as described in (3) above down to and including eligibles with percentages of as much as 75.

7. After all the eligibles described in (6) above have thus been certified, then certification is made from the other States, in their order under the apportionment of eligibles with an average percentage of as much as 75 down to the two States having the largest excess of their share of appointments and the District of Columbia.

8. After all the eligibles described in (7) above have thus been certified, then certification is made of the highest remaining eligibles from the entire group of States in arrears of their share, in the order of percentage, who have percentages of as much as 73.

9. After all the eligibles described in (8) above have thus been certified, then certification is made as described in (7) above down to and including eligibles with percentages of as much as 73.

10. After all the eligibles have thus been certified with averages of as much as 73 down to the two States that have received the greatest excess of their share and the District of Columbia, then certification is made of the highest remaining eligibles from the entire group of States and Territories in ar-

rears of their share; and after all eligibles from such group of States and Territories have been certified, then certification is made from each State and Territory in its order under the apportionment.[1]

The following explanation of the reason for this variation has been given by the Secretary to the Commission:[2]

In the ordinary clerical registers, a difference of a few points in rating is not so important as in the case of registers of experts and stenographers and typewriters. Nearly every State and Territory is represented on the ordinary registers, but for most of the technical registers a few states only furnish eligibles. The present method insures the certification of most of the eligibles with the higher ratings before those with lower averages, while at the same time the principle of the apportionment is jealously guarded.

Stringent regulations governing proof of residence of competitors are prescribed to prevent frauds on the apportionment wherein candidates claim residence in states which are in arrears and thereby secure preference in appointment. The civil service law itself provides, in the same clause which enacts the principle of apportionment, "that every application for an examination shall contain, among other things, a statement under oath, setting forth his or her actual *bona fide* residence at the time of making the application, as well as how long he or she has been a resident of such place." In addition Congress provided in 1890 that:

Hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and state of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and *bona fide* resident of said county, and had been such resident for a period of not less than six months next preceding.[3]

[1] Thirty-fifth Report of the United States Civil Service Commission (1918), p. 99.
[2] In a memorandum to the Institute for Government Research.
[3] Act of July 11, 1890, 26 Stat. 235.

In addition Congress, in 1909, enacted the restrictive requirement that:

> All examinations of applicants for positions in the government service, from any state or territory, shall be had in the state or territory in which such applicants reside, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such state or territory for at least one year previous to such examination.

This provision, because of its context, is interpreted as applying to examinations for apportioned positions only.[1]

Regardless of what may be thought of the wisdom of the whole system of apportionment, this last provision seems unduly restrictive. Since the apportionment rule applies even to technical positions, it goes to the palpably absurd limit of barring from examination a prospective applicant who has moved into a state within a year, perhaps in pursuance of his profession or technical occupation, and is therefore unable to establish the required actual domicile in such state or territory for at least one year previous to the examination.

The Commission has even gone so far as to require competitors in "nonassembled" examinations to show that they have been actually domiciled in the state or territory in which they reside for at least one year previous to the examination.

Yet it has ruled in another connection, and the ruling has been concurred in by the Attorney General, that "these examinations are not 'had' at any particular place and Congress in enacting this statute seems to have had in mind the examinations referred to in Section 3 of the Civil Service Act, held by local boards of examiners." [2] This being the case the provision that no person shall be eligible for "such"

[1] Act of July 2, 1909, 26 Stat. 3. During the war this restriction was waived by Congress (Resolution of March 27, 1918, 40 Stat. 459) in order to permit of the examination, principally at Washington, of large numbers of persons who had come to Washington from distant points to secure employment with the government in ignorance of the statute requiring them to be examined in their state of residence.

[2] Thirty-fifth Report of the United States Civil Service Commission (1918), p. 20.

examination or appointment unless he or she shall have been actually domiciled in "such" state or territory for at least one year previous to "such" examination, would seem to have no application whatever to a non-assembled examination.

The Commission apparently has displayed at this point, as it has at some others, an almost too tender regard for the restrictions which Congress has enacted. It is not intended to imply that the Commission should not scrupulously observe all statutory directions enacted by Congress; but if a statute is fairly susceptible of an interpretation more in accord with the requirements of sound personnel administration than an absolutely literal construction would be, it is submitted that it is the Commission's duty to adopt the former interpretation. The reluctance of the Commission to do so both in this and in other connections is doubtless due, in large measure, to a feeling on its part, perhaps amply warranted by its experience, that not a few Congressmen are latently hostile to the whole régime of open competition, and that any deviation from the strictest obedience to the letter of the statute may be seized upon and made much of by these Congressional critics.

The general question of the wisdom of the apportionment system was discussed by the Civil Service Commission in its report for the fiscal year 1912, in which it said:

> It has been said that under the apportionment persons receive appointment who are inferior in qualifications to those who would be obtained if competition were as wide as the country; that the apportionment is distinctly an interference with the merit system, is inconsistent with it, and that it is harmful to the public service in that so far as it operates at all, the highest in the examinations often fail of appointment; that considered purely from an economical standpoint the apportionment cannot be justified; that government appointments should be distributed as far as at all practicable on a basis of efficiency, and that there is nothing in the natural distribution of population that corresponds to or coincides with the distribution of trained capacity.
>
> The distribution of appointments among the states, how-

ever, is in accord with our federal system of government, under which all the people from all the states are entitled to serve the government. The requirement of an apportionment proceeds upon the theory that the competition for appointment is not from all the states together but from all those within each state separately, the government being representative of the several states according to their population. A fundamental principle in the establishment of the federal government was not only the representation of every state but a representation which should embody an integral portion of the state itself. Thus Senators and Representatives are not chosen at large but must be inhabitants of the state in which they are chosen, an intended departure from the British system. The representative feature was established, based upon inhabitancy of the state as the nearest practical approximation to the personal participation of the whole people in the government. The theory in the civil service law is that every citizen, no matter how humble his condition or in what part of the country he may reside, may justly feel that as a citizen of a state he has equally with the citizen of every other state a commensurate interest and right to participation in the general government. Thus it is regarded as an injustice by the people of a state or section of the country that another state or section should receive a share of the representation greatly disproportioned to its population.

President Washington enumerated among the three things essential in appointments that in as equal a proportion as might be they should be given to persons belonging to the different states in the Union. This principle of apportionment, opening to all the door to the public service, has been adopted by Congress upon every occasion where it would be applicable. Illustration of this will be found in an act of 1875 relating to appointments in the Treasury Department, and in the laws regulating the apportionment of cadets at West Point and of midshipmen at the Naval Academy. Executive orders also require an apportionment of appointments among the states in the appointments made through examination in the Diplomatic and Consular Services. These laws and orders bear out the spirit and genius of our institutions—that this is a government by the people acting through their several states, and that representation in the common government shall be apportioned among the several states by their inhabitants serving in the legislative and executive departments, in the Army and

Navy, and in our foreign services, all sections of the Union thus contributing to the labors of the government.

Not only is this a matter of inherent right upon the part of the states, but it is in accord with a wise public policy and with the progress in education and patriotic achievement among the people of the several states. Distribution and appointments among the states bring to the seat of government persons who represent the views of every community and who become acquainted with the operations of the national government, all sections of the Union thus participating in its work, and this in turn inspiring an interest therein among all the people. In this way every section, however remote, is brought into contact with the central government, intelligence and interest regarding its operations are diffused, patriotism promoted, the growth of sectionalism prevented, unreasonable prejudices overcome, and an enlightened understanding promoted respecting the aims and purposes of our common country. It is, therefore, the part of wisdom that to the people of every state should be secured the opportunity, as far as they are willing and as far as they can furnish the needed character and capacity, to enter a competition, not with people within their own states, to participate proportionately with the people of the other states in the conduct of the government of which their state is a constituent.

In this gathering at Washington of clerks representing every part of the country, associated in the common business of government, sympathetic relations are established and information diffused which extends to every part of the country, vitalizing the central government and securing popular support for it. If further reasons were necessary for a continuance of the apportionment provision of the law, there might be mentioned the possible effect upon the service of its discontinuance. If the apportionment provision were repealed, in the very nature of things an ever increasing proportion of appointments would go to eligibles residing in the District of Columbia and nearby states. As such a condition continued and increased, it is believed the effect upon the service in the department at Washington would be seriously detrimental, occasioned by lack of general interest in such service and finally in consequent lack of adequate appropriations to carry it on.[1]

[1] Twenty-ninth Report of the United States Civil Service Commission (1912), pp. 19-21.

Examination of this defense of the principles of apportionment, the most extensive to be found anywhere in official sources, discloses that not one of the objections to the apportionment which are set out in its opening paragraph are met in its subsequent discussion. All that the substantive part of this quotation goes to establish is that the principle of apportionment is basically and inherently desirable, a contention which will hardly be disputed. The practical question is how far may this beneficent principle, which is not in and of itself a principle of personnel administration at all, be carried in actual application without impairing the efficiency of the service. The Commission urges that it is "the part of wisdom that to the people of every state should be secured the opportunity . . . to participate proportionately with the people of other states in the conduct of the government of which every state is a constituent . . . as far as they can furnish the needed character and capacity." It is precisely this qualification which is the subject of dispute. Does or does not the present application of the principle of apportionment result in the appointment of persons who cannot furnish the needed character and capacity as well as can other persons who are barred from appointment?

It is doubtless improbable that under present methods the apportionment works for any serious impairment of the caliber of the persons appointed to the ordinary run of clerical or routine positions for which qualifications are more or less standardized and for which a reasonable abundance of qualified persons can be obtained in almost every state of the Union. With respect to technical and scientific positions, however, the situation is far otherwise. Here it not infrequently happens that a whole register contains but few names and that the variation in capacity between the higher and lower names on the register is wide. Where this is the case, the preference in certification given to eligibles from states in arrears in their quota may serve to bring within the certification the lowest persons on the list, while excluding from it the highest persons. Where such a result ensues it can hardly be disputed

that the effect of the apportionment is extremely destructive of efficiency in the service and far outweighs any general advantages which may be claimed for the principle of apportionment in the abstract.

Administrative officers are undoubtedly considerably dissatisfied with the results of the apportionment system. They commonly regard it, however, as so firmly established a feature of the personnel system that they are seldom moved to make objection to it officially. One of the few instances in which this has been done is found in the annual report of the Secretary of Commerce and Labor for 1910, in which he says, referring to the provision requiring the apportionment: [1]

> It is very doubtful whether the benefits of this particular provision of law outweigh its manifest disadvantages. While the civil service tests undoubtedly furnish the best guaranty for appointment upon merit, the demand for geographical distribution necessarily restricts the freedom of choice. For some reasons it may be desirable to have the employees of the civil branch of the government represent the various states and sections of the country, but it is a question whether such a policy is of sufficient importance to outweigh the tests which the law provides to determine the merits and qualifications of applicants. If the service is to be maintained on that high plane of efficiency which is so urgently demanded, it seems only fair to grant to the departments the privilege of selecting the persons who have obtained the highest marks on examination, and not be compelled to consider eligibles with poor markings simply because they claim legal residence in states whose quotas are not in excess.

It is to be remembered that this comment was made at a time when the method of applying the apportionment was such as to necessitate the appointment of the lowest eligible on the list, having perhaps only the minimum mark required for passing, in preference to the eligible first on the list, if the lowest eligible came from a state further in arrears than the highest eligible. The method of applying the apportionment

[1] Twenty-seventh Report of the United States Civil Service Commission (1910), p. 138.

now in force, as above described, gives less weight to the apportionment and greater weight to the order of the eligibles on the register. The criticism made by the Secretary of Commerce and Labor would by no means be as applicable to the present method of applying the apportionment as it was to the method in force at the time he wrote.

That the Commission itself has more recently weakened in its enthusiasm for the apportionment is evidenced by statements appearing in its report for the fiscal year 1918, introductory to a statement of those instances already referred to in which, because of the war emergency, the requirement of apportionment was waived for some of the important war agencies. After explaining why the waiving of the apportionment was necessary to prevent delay under the emergency condition obtaining, it goes on to make the general statement that

> The enforcement of the apportionment rule also frequently results in the appointment of persons barely making a passing grade in the examination in preference to persons from states which have already received their share of appointments who obtained higher ratings. The waiver of the apportionment, which would permit the appointment of many local eligibles who would not otherwise have been reached, would not only result in a more expeditious filling of vacancies but would accomplish the appointment of persons familiar with local conditions who would be more content in their employment and more desirable in many ways. . . .[1]

This statement is made, however, in an obscure place in the appendix to the Commission's report, and without the responsibility of any particular individual. If it correctly represents the views of the Commission on the apportionment at this time, it should have been given greater prominence.

Finally, it should be pointed out that the apportionment system adds greatly to the work and expense of the recruitment system, both through the extra labor that it entails and

[1] Thirty-fifth Report of the United States Civil Service Commission (1918), p. 98.

through the frequent necessity for holding examinations at many different points.

Restriction of Certification of Members of Same Family.—Another peculiarity connected with certification to positions in the classified competitive service arises from Section 9 of the civil service act, which provides that "whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to the appointment to any of said grades." Accordingly in the notice of rating which the Commission sends to applicants upon the establishment of an eligible register, it calls attention to this provision of the law and warns the eligible of the necessity of promptly notifying the Commission of the appointment of any member of the eligible's family to the service.

The enforcement of this section has given rise to some niceties in legal reasoning as to the exact meaning of the term "family," it having on one occasion been ruled by the Attorney General that one who had removed from the parental roof had "severed the family relationship and become, as it were, independent thereof," and had thus "ceased to be a member of the 'family' within the meaning of the law." Into these subtleties it would be of no value to enter in this discussion.

It is difficult to see what substantial purpose is served by this provision of the law. At the time it was enacted it was doubtless intended to assist the general purpose of preventing appointment for political or personal reasons, but the present development of the methods of selection renders such an excess of caution unnecessary. The continuance of the rule cannot be said to work any positive harm, but it does occasionally work hardship and inconvenience, both to applicants and to the service, and it occasions a not inconsiderable amount of clerical labor. Moreover, the difficulty of enforcing this rule and the variety of ways in which it may be evaded are so great that inevitably its enforcement is unequal. It also works unjust discrimination in many cases where it is

enforced. On all counts it would seem that its repeal is desirable.

The "Three-Name" Certification Rule.—As has already been seen, the rule governing certification from those lists where certification is required provides (Rule VII, 1, a) that there shall be certified "a number of names sufficient to permit the nominating or appointing officer to consider three names in connection with each vacancy"; and, where appointment direct from the register is permitted, a corresponding number of names is available to the appointing officer.[1] The intent of these provisions is more fully defined by the rules as follows (Rule VII, 1, b):

> The nominating or appointing officer shall make selection for the first vacancy from not more than the highest three names certified, or on the register, with sole reference to merit and fitness, unless objection shall be made, and sustained by the commission, to one or more of the persons certified, for any of the reasons stated in Rule V, section 4. For the second vacancy he shall make selection from not more than the highest three remaining, who have not been within his reach for three separate vacancies, or against whom objection has not been made and sustained in the manner indicated. The third and any additional vacancies shall be filled in like manner. More than one selection may be made from the three names next in order for appointment, or from two names if the register contains only two, subject to the requirements of section 2 of this rule as to the apportionment. Any eligible who has been within reach for three separate vacancies in his turn may be subsequently selected, subject to the approval of

[1] It is further provided by Rule VIII, paragraph 3, that "when there is at least one eligible and not more than two eligibles on a register for any grade in which a vacancy exists, the commission shall, upon requisition from the proper appointing officer, certify the name of the one eligible or the names of the two eligibles, which shall be considered by the appointing officer with a view to probational appointment; and if the appointing officer shall elect not to make probational appointment from such certificate of less than three names, then if temporary appointment is required, it shall be made from such certificate unless reasons satisfactory to the commission are given why such appointment should not be made. Such temporary appointment may continue until three eligibles are provided. If selection is not made from the certificate for either probational or temporary appointment under the provisions of this section, then temporary appointment, if required, may be made under the provisions of section 2 of this rule."

the commission, from the certificate on which his name last appeared, if the condition of the register has not so changed as to place his in other respects beyond reach of certification.

It will be observed that the rule provides that the appointing officer must make his selection from the three names certified for each given vacancy, "unless objections shall be made and sustained by the Commission to one or more of the persons certified for any of the reasons stated in Rule V, Section 4." The reasons set out in the rule referred to are

(*a*) Dismissal from the service for delinquency or misconduct within one year next preceding the date of his application; (*b*) physical or mental unfitness for the position for which he applies; (*c*) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (*d*) intentionally making a false statement in any material fact, or practicing any deception or fraud in securing examination, registration, certification, or appointment; (*e*) refusal to furnish testimony as required by Rule XIV;[1] (*f*) the habitual use of intoxicating beverages to excess.

While these permissible reasons for objecting to an eligible are, for the most part, of a kind involving a serious reflection on his character, it will be noted that one of them specifies merely "physical or mental unfitness for the position for which he applies." A strict interpretation of this provision of the rule by the Commission doubtless would require the appointing officer who proposed to exclude one of the three names certified to him and thus secure the certification of an additional name to show that the person objected to was actually wholly unfit. In practice, however, the Commission has interpreted this provision liberally, especially in connection with positions of a higher grade, and has permited appointing officers to exclude from consideration the names of persons who, while in no wise positively unfit for the positions, have been alleged by the appointing officer to be lacking in peculiar qualifications thought to be necessary for the position. The

[1] Rule XIV refers to testimony in regard to matters arising under the civil service act.

effect of this practice has been, in substance, to grant to appointing officers in these cases a choice from the first four or even five at the head of the list. No provision is made for notifying an eligible of the exception thus taken to him by the appointing officer.

The practice in question presents elements of danger, since it is calculated to throw suspicion on the honesty of the entire competitive system. In an examination for a position requiring peculiar qualifications, only a small number of eligibles is likely to have been secured in any event, so that the allowance of so wide a discretion to the appointing officer may in effect set at naught the relative ratings established by the examination and tend to approximate the examination to a mere pass examination.

The rule requires that in any case selection shall be made from among those certified or on the register "with sole reference to merit and fitness." No procedure is provided, however, by which the decision of the appointing officer to pass over the first or the first two names certified may be reviewed; and in practice this provision is wholly unenforceable.[1] With reference to the appointment of rural carriers, the executive order of December 30, 1911, somewhat elaborates this point. It provides that

> In all cases selections shall be made with sole reference to merit and fitness and without regard to political considerations. No inquiry shall be made as to the political or religious opinions or affiliations of any eligible, and no recommendation in any way based thereon shall be received, considered, or filed by any officer concerned in making selections or appointments. Any such recommendations in writing forwarded to any such officer shall be at once returned to the writer with attention invited to the purport of this order, and attention

[1] Moreover, the rules (Rule I, 2) prohibit generally any discrimination on account of political or religious reasons, and the Commission may investigate a selection where it is charged, with offer of proof, that this provision of the rule has been violated. As in all other violations of the rule against discrimination, however, the Commission's power goes no further than investigation, and so far as the particular matter under discussion is concerned, this provision of the rules is virtually a dead letter.

hereto shall be similarly directed in connection with any verbal recommendations. Where it is found that there has been a violation of these provisions by any officer concerned in making selections or appointments, such fact shall be cause for the immediate removal of such officer from the service, and the commission shall make prompt report of any such case for appropriate action to the Postmaster General, or, as to presidential appointees, to the President. The appointment of the rural carrier concerned, if effected, shall be canceled.[1]

The provision allowing the appointing officer complete discretion in the selection of one out of three candidates is common to most civil service systems. The theory is, of course, that in view of the mechanical nature of the ratings established by competitive examination, the appointing officer should be given some leeway in making the appointment. With reference to positions requiring special qualifications, moreover, it is urged that where the examination has been of a more general character, this latitude permits him to select from among those near the head of the list that eligible whose qualifications most nearly approximate the special qualifications desired.

The practical objection to this practice is that it opens the door to political and personal influence and permits of pressure being brought to bear upon the appointing officer to pass over the candidates higher on the list in favor of those lower. To ascertain to what extent such political influence is at the present time a factor in determining the selections from eligible lists is difficult. In all probability it is but a minor factor in appointments to positions in Washington, because the candidates are remote from the seat of operations and have usually little facility for keeping in sufficiently close touch with developments in respect to the lists upon which their names appear to permit of their bringing political pressure to bear at the proper time or upon the proper appointing officer. In appointments to local offices, however, the situation is otherwise, and it is notorious that here, where the eligibles on the list have an opportunity to keep in touch with vacancies as

[1] Thirty-fifth Report of the United States Civil Service Commission (1918), p. 55.

they occur, political or personal influence is frequently brought to bear upon the local appointing officer by one or more of the three eligible candidates.

A rule which has worked well in some local commissions, is that the eligible highest on the list should be appointed, unless reasons are given satisfactory to the Civil Service Commission why the appointment of a lower eligible would be to the interest of the service. There is nothing mechanical about this rule. It does not compel the appointing officer to appoint a person whom he deems unsuitable, but it requires that he be willing to make his opinion of that person a matter of record and that the reasons for his opinion be sufficiently explicit and well founded to bring conviction to an impartial critic such as the Civil Service Commission. Such a rule, if administered with discretion by the Civil Service Commission, meets every requirement of good administration and yet eliminates almost completely the play of personal and political factors. It is worthy of note that in his order of March 2, 1917, establishing a system of competitive examination for filling certain classes of vacancies in presidential postmasterships, President Wilson did not adopt the traditional "one in three" rule, but provided instead that the Postmaster General, after the completion of the examination, should "submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for appointment." The order does not make clear how or by whom it is to be "established" that the character of the applicant is unsuitable,[1] but at least the principle is recognized that the highest eligible on the list is entitled to appointment in the absence of positive disqualification.

The extent to which the one in three privilege, even in these latter days, may be made an instrument of politics was indicated in 1913 by a statement issued by the Postmaster Gen-

[1] In practice the Post Office Department has assumed the right to pass over the highest eligible as unsuitable; but this privilege has been exercised in but few cases.

eral, relative to the policy of the Post Office Department in making appointments of fourth class postmasters and of rural carriers. This statement was called for at this time because of the order of President Wilson, dated May 7, 1913, requiring that all fourth class postmasterships be filled through open competitive examination (as against the orders of President Taft, dated November 30, 1908, and October 15, 1912, by which all fourth class postmasters then in the service who had been appointed without examination were "covered" into the service and the competitive method applied only to those who might be appointed subsequently). The Postmaster General said:[1]

In answering an inquiry recently as to what influence political affiliations would have in fourth class postmaster and rural carrier appointments, Postmaster General Burleson stated that he desired it distinctly understood that it is his purpose to carry out the intent of President Wilson's order that these positions be filled in accordance with both the spirit and letter of the civil service law. The Postmaster General added that he does not delegate the power of appointment, nor in any case is selection made simply upon or because of a recommendation of a Member of Congress. He stated further that he has a duty to perform in making selections under the civil service rules; that it is his desire to select in every case the most efficient man obtainable, and that in furtherance of such desire he is using, and intends to continue to use, every available means of ascertaining the best of the men certified to him by the Civil Service Commission. In his efforts to secure the most efficient man for the Postal Service, and as part of the evidence upon which he reaches his conclusion, it is his practice to ask the Member of Congress in whose district the vacancy exists to advise him relative to the character and fitness of the three eligibles. In doing so the Postmaster General calls upon the Member, not in his capacity as a member of any political party, but solely as the representative of the community, regardless of political affiliations; and to emphasize his purpose in this respect, the Postmaster General in asking the Member of Congress for his recommendation calls special

[1] Thirty-third Report of the United States Civil Service Commission (1916), p. xv.

attention to the fact that under existing Executive Orders selections must be made by the department with sole reference to merit and fitness, and any recommendation made to him must be based solely upon such considerations and without reference to the political affiliations of the eligibles. And further he has directed that all letters recommending appointments based upon political considerations be returned to the writers. The Postmaster General states that he is in earnest in his efforts to obtain the best men regardless of their political opinions, and whenever he finds in any case that he has been misled because of recommendations made for political reasons, the fourth class postmaster or rural carrier so appointed will be promptly removed from office.

Following are his directions to the First Assistant Postmaster General:

In selecting persons from the eligible registers furnished by the Civil Service Commission for appointment as fourth class postmasters it is my desire that the person with the highest rating be chosen, unless good and valid reasons are submitted to the department showing that this would not be in the best interest of the service. If reasons are submitted sufficient to make the selection of the first eligible inadvisable, then it is my desire that the person with the next highest rating be chosen, unless good and valid reasons are submitted to show the inadvisability of his appointment. In such case the third eligible may be selected. In no case should the second or third eligible be chosen unless the appointment of one of the higher-standing eligibles has been shown to be inadvisable from the standpoint of the greatest efficiency in the Postal Service. In reaching conclusions as to the most desirable appointments an endeavor should be made to select persons whose business and temperamental equipment is likely to reflect credit on the Postal Service.

To enter into a discussion of the spirit in which this order was actually carried out would be fruitless. No data are available on which such a discussion could be predicated confidently and the unsuccessful attempt of the National Civil Service Reform League to obtain such data will be referred to in another connection. Statistics published by the Commission,

designed to show the number of instances in which the first, second, or third eligible was appointed, and in which the existing incumbent was reappointed, were the subject of disagreement even among the members of the Commission.[1] It is sufficient here to point out that the exercise in this way of the discretion entrusted to the appointing officer under the one in three rule is likely to result in the entrance of political considerations on a wide scale.

It should be noted that under the regulations promulgated to carry out the original order of President Roosevelt in 1908, calling for the competitive selection of fourth class postmasters in the northeastern section of the country, it was provided that "the person's name that stands at the head of the register shall be selected for the first appointment, the next highest for the next appointment, and so forth." [2] This provision of the regulations was made by the Commission pursuant to an agreement with the Post Office Department which waived the right granted it by the rules to have three names certified to it for each vacancy. When the competitive system was extended by President Taft's order of 1912 to the fourth class postmasters over the country as a whole, this provision of the regulations was not retained and the rule requiring three names was thus restored to operation.

In the selection of rural carriers the same development has taken place. Under the regulations made pursuant to the original order by which the selection of rural carriers was placed upon a competitive basis—the order of 1902—but one eligible was certified for each vacancy, the regulation providing that "the person whose name stands at the head of the register is certified to the Post Office Department for the first appointment, the next highest for the next appointment, etc." [3] This

[1] The figures presented by the majority of the Commission appear on pages xvii and xviii, Thirty-third Report of the United States Civil Service Commission, while those presented by the dissenting member of the Commission, Commissioner Craven, appear on pages xxv and xxvi.

[2] Regulations of January and February, 1909, Sec. 8, Twenty-sixth Report of the United States Civil Service Commission (1909), p. 25.

[3] Twenty-first Report of the United States Civil Service Commission (1904), p. 117.

regulation was promulgated by the Commission under an agreement with the Postmaster General by which he, as appointing officer, waived the right secured him by the rules of having three names certified to him for each vacancy. Commenting on this feature of the regulations the Commission stated: [1]

It is recognized that it is possible and very probable that an unsuitable person may obtain vouchers which appear to be proper, may file an application which meets the requirements of the regulations, and may pass an examination with a mark which would place his name at the head of the register of eligibles. As a safeguard against the appointment of such a person the following provision is made:

Whenever five or more patrons of a rural free delivery route submit to the rural carrier examining board, in writing over their own signatures, sworn statements that an applicant is unsuitable for appointment, giving specific reasons therefor, each of the heads of the families may be requested by the rural carrier examining board to express an opinion as to the fitness of such applicant. If, upon the evidence thus submitted, it is shown to the satisfaction of the Commission that the applicant is not suitable for appointment his name shall be stricken from the register.

In this way the service is protected more fully than if a selection should be made from among the three highest, as in the other branches of the service, for it may be reasonably presumed that the patrons of a rural service are ever watchful of their own interest.

By an executive order issued December 30, 1911, the President ordered that this provision of the regulations be rescinded by requiring that the ordinary provisions of the civil service rules regarding certification should apply to the appointment of rural carriers, and that three eligibles should be certified by the Civil Service Commission. The order also enjoined upon the Postmaster General selection "with sole reference to merit and fitness and without regard to political considerations." [2] Commenting on this order in its annual report the Commission stated that

[1] *Ibid.*, p. 118.

[2] Twenty-ninth Report of the United States Civil Service Commission (1912), p. 137.

Under the former regulations the Department was not given a right of choice, but was required to appoint the eligible standing highest on the local register. It became evident that some latitude should be allowed in the selection of eligibles for appointment in this as in all other parts of the service. There are few branches of the public service the successful operation of which is so dependent on the personality of the employee. The greater part of the work of the rural carrier is done on his route away from the supervision of his superior officer and not in full view of the public as in the case of the city carrier. He is brought into direct contact with patrons and their families, and it is necessary not only that his behavior should make him worthy of their confidence but that his character and disposition should be such as to inspire it. If the patrons lack confidence in the carrier, it will show itself in a diminution in the patronage of the route.

In view of these reasons the President in an order of December 30, 1911, amended the rules to provide that three names should be certified for each vacancy. To guard against possible abuse of this right of choice, the order provides that all selections shall be made with sole reference to merit and fitness and without regard to political considerations, and that political recommendations shall not be considered but shall be returned to the writers.[1]

It is, perhaps, fruitless to discuss further the relative merits of the two positions thus taken at different times by the Commission. The fact that the method of certifying the highest eligible apparently gave satisfaction for nearly ten years (for there is no indication to the contrary in either the reports of the Commission or of the Post Office Department prior to 1912, when the change was made) gives to the reasons for the change thus presented by the Commission in 1912 something of the character of an original discovery.

In connection with apportioned positions it should be noted that the rule permitting the appointing officer to select one of the three on the eligible register may work in precisely the opposite way to what has just been indicated; that is, it may enable the appointing officer to select a person actually higher

[1] *Ibid.*, p. 15.

on the register in terms of the ratings received than if he were compelled to select the first name. The reason is that, owing to the apportionment, the first of the three names certified may be that of a candidate receiving a lower rating than that of the candidate whose name appears third, but who comes from a state more in arrears in its quota of appointments. With respect to this class of positions, therefore, the one in three rule may be said to operate in the interests of sound personnel administration.

Similarly, as already pointed out, the one in three rule offers to the conscientious administrative officer an avenue of escape from the disastrous results of the military preference statutes. Despite the fact that these statutes call for preference in "appointment," it has been held consistently that all that is required is preference in certification to appointing officers, and that the appointing officer is free to pass over the name of the veteran if he so chooses. Although the mere inclusion of the veteran's name among the three certified, rather than the name of one higher qualified on the list, in itself tends to reduce the freedom of selection of the conscientious appointing officer, the situation is, of course, better than it would be if the rule required the appointment of the eligible first certified in every case.

Another factor which must always be kept in mind in thinking of the relative advantages of the one in three rule as compared with the selection of the highest eligible, is that the former sometimes furnishes a welcome relief from the mistakes of the Civil Service Commission in rating. This is particularly likely to be true in cases where the ratings of the highest competitors are close.

To sum up, the question of the degree of freedom which the appointing officer should have in selecting from among those declared eligible by the Civil Service Commission, does not admit of a categorical answer. It is one which can be answered only in the light of the political conditions in the service involved. The question arises, therefore, whether in formulating the practice in respect to selections from the elig-

ible list account might be taken of the variations in the moral or political atmosphere. In those branches of the service which are technical in character, and in which the head of the service has been appointed on a basis of merit and holds by tradition during good behavior and where the whole tradition of the service is one of efficiency of a high technical standard, it would doubtless be safe, even under present political conditions, to entrust a very wide margin of discretion to the appointing officer. On the other hand, in those services, particularly in local establishments, in which the head is a political appointee holding office only during the life of the administration and actively engaged in the work of political organization even while holding office, little discretion can safely be permitted under the theory upon which the present practice is predicated; however, any recognition of variations in the degree of discretion permitted the appointing officer from one service to another would not be practicable. In general it may be said that, were the direct prohibition against political, and particularly Congressional, interference in personnel matters made effective, and were the merit principle extended to embrace all the administrative posts in the service, the discretion now granted appointing officers in selection from among the eligibles would be much less open to question.

Discretion in Fixing of Entrance Compensation Rates.— Under present practices in the federal service the appointing officer possesses a large discretion in fixing the entrance rate of compensation. With respect to a great number of positions, particularly in the technical services, as stated in the chapter dealing with compensation, no entrance rates are predetermined at which a new entrant is invariably appointed. Instead a range, sometimes very considerable, is provided, and a new entrant may be paid at any rate within the range at the discretion of the appointing department. In certain examinations the Civil Service Commission has announced that only those receiving the higher ratings will be certified for the higher rates, but ordinarily the practice is to inquire of each candidate the minimum salary which he will accept, and on

receiving a request from a department or office for a certification to fill a vacancy at a specified salary to certify only those who have stated that they would accept a rate as low as that offered. This practice permits the appointing officer, desiring to secure a particular eligible not ordinarily within reach for certification, to specify an entrance salary so low that the higher eligibles will not be certified. He thereby secures the appointment of the eligible sought; and within a comparatively short time he may advance the salary of the new appointee to a rate considerably higher than the entrance rate. The new rate, if originally offered for entrance, would have attracted the persons higher on the register. To guard against this practice the civil service rules provide that a person cannot be promoted within the probationary period, which is ordinarily six months, without the consent of the Commission, previously obtained. This practice may be guarded against in another way by fixing a prescribed rate for all entrants, and establishing fairly rigid rules governing early promotion. This method is applicable to a great number of routine positions, but is perhaps not sufficiently flexible to meet the requirements of the technical services. For those services perhaps the better method is to prohibit increasing the salary of an entrant within a reasonable period after appointment, unless the higher rate to which it is proposed to raise him was offered and declined by those who were ahead of the entrant on the register.

Publicity of Eligible Registers.—Under the practice of the Commission each person who takes an examination is notified of his rating in it, and those who passed are advised of their position on the register. The whole register, as it appears on the records of the Commission, is not made public, either through publication, as is the practice of some commissions, or through the maintenance of a copy of the register open to the public, a practice almost universal among civil service commissions. Where a civil service commission maintains a register accessible to the public, it is also usually the practice to enter upon this register a note of all certifications of any names

upon the register and all appointments, rejections, declinations, and so forth, made on the basis of such certifications.

In the absence of the use of any of these procedures by the Civil Service Commission it is impossible for any competitor to inform himself of what is going on in connection with the position for which he is eligible, except by making direct inquiry. He is not even advised, under the practice of the Commission, when his name is certified to an appointing officer, so that it is possible for him to be certified and passed over by an appointing officer without his being aware of the fact.

This total absence of publicity in connection with the establishment of eligible registers and of certification and appointment undoubtedly constitutes at the present time one of the weak points in the entire system of recruitment through competitive examination. It is not intended to imply that the system is ordinarily, or indeed aside from the most exceptional cases, actually administered with other than scrupulous honesty, but the impossibility of making certain of this by examination of the Commission's records, leaves open the door for rumor and speculation of the worst sort.

Whatever reasons of convenience may be advanced against publication of the eligible registers, or against permitting individual eligibles to have free access to the records of certifications, appointments, etc., it is difficult to see why such records should not be opened to the representatives of recognized organizations, who seek access to them for a public service. The Commission was thus, for many years, in the habit of opening such records to the representatives of the National Civil Service Reform League in recognition of the interest of that association, as representing the public, in the honest and impartial execution of the competitive examination system. In 1914, however, access to the records of the Commission was denied the League under such circumstances as to warrant the belief that the denial was made because of the fear that inspection of the records would have disclosed irregularities in the enforcement of the law and rules, or at least would have reflected on the manner in which the administration was

exercising its legal privilege of choice from among the names certified to it by the Commission. The purpose of the League, as stated in its formal request to the Commission, was to obtain specific information concerning fourth class postmasters under President Wilson's order of May 13, 1913, requiring competitive examinations to be held for all fourth class offices whose incumbents had not been appointed as a result of competitive examination. The League wished to ascertain the number of candidates who took part in the examinations, the names of the successful candidates with their ratings, the names of the candidates appointed from the list, and whether the previous incumbents of the offices entered the examinations. The reason given for the denial of the League's request was that it was necessary "in the interest of the public business, owing to the congestion of the work of the office." The action of the Commission was sustained by President Wilson, who made the bland suggestion that in its next annual report the Commission "disclose the method employed by them and by the Post Office Department in administering the Executive Order referred to, together with the results obtained thereby." [1]

An eligible register having been established it comes into use as soon as a department head, or other appointing officer, makes request upon the Commission for the names of eligibles for the filling of a vacancy. On this point the rules provide:

> The nominating or appointing officer shall request the certification of eligibles, and the commission shall certify, from the head of the register of eligibles appropriate for the group in which the position or positions to be filled are classified, a number of names sufficient to permit the nominating or appointing officer to consider three names in connection with each vacancy. When so provided by regulation of the commission, selection shall be made from the register by the nominating or appointing officer without preliminary certification of the commission.

The provision for selection by the appointing officer, directly from the register, without calling for certification, is

[1] For details of the incident see *Good Government*, September, 1916, pp. 81-85.

employed only in connection with trades positions in the larger field establishments—such as arsenals, navy yards, etc.

Probationary Period.—The civil service act lays down as one of its fundamental provisions to be incorporated in the rules, "that there shall be a period of probation before any absolute appointment for employment." Pursuant to this injunction the rules provide:

> The person selected for appointment shall be duly notified by the appointing officer, and upon accepting and reporting for duty shall receive from such officer a certificate of appointment. The first six months under this appointment shall be a probationary period; but the commission and the department concerned may, by regulations, fix the probationary period at one year for any specified positions.[1] If and when, after full and fair trial, during this period, the conduct or capacity of the probationer be not satisfactory to the appointing officer, the probationer shall be so notified in writing, with a full statement of reasons, and this notice shall terminate his service. His retention in the service beyond the probationary period confirms his absolute appointment.[1]

The procedure required for removal during the probationary period under this rule differs from that prescribed for removal after absolute appointment, in that in the latter case the employee must be given an opportunity to answer, and his answers, together with the original charges, must be made of the record in the department and in the Civil Service Commission.

The provision for probationary appointment previous to absolute appointment is a feature of virtually all public personnel systems and one which, if properly administered, is of high value. If the work of probationers is carefully watched and if those found unsuitable are actually removed, the effect

[1] "The extension of the probationary period to one year has been authorized by the Commission in the following positions:" Mining engineers and miners, field duty, Bureau of Mines; assistant forest rangers and forest assistants in the field Forest Service; logging engineers, Agriculture; all scientific positions in the Geological Survey; aid, Lighthouse Service; forest rangers and grazing assistants in the Forest Service.

[2] Thirty-fifth Report of the United States Civil Service Commission (1918), p. 55.

is, of course, extremely beneficial. It is questionable, however, whether in the federal service at present this institution is functioning to any marked degree. Appointing officers commonly fail to exercise the power thus conferred upon them for the same reasons that they do not generally exercise their plenary power of removing permanent employees for incapacity or misconduct. At this point it may be pointed out, however, that in addition to other general factors an additional difficulty arises in the service at Washington from the selection of the subordinate personnel from the whole area of the country. An appointing officer is naturally reluctant to dismiss during the probationary period an employee who has but recently, at great expense, come to Washington from a distant point to take service with the government.

Making the probationary period effective as a means for weeding out of the service at the outset those who show no promise of usefulness is one of the most difficult problems encountered in the whole field of public personnel administration, and it cannot be said that anything approaching a satisfactory solution has yet been developed anywhere. On this point the Reclassification Commission expressed itself as follows:

> The Commission believes that a more thorough and effective use should be made of the probationary period, and that the law should be so changed that probationary appointments could become permanent only by a definite administrative decision.
>
> *Recommendation* 17 (*b*).—The Commission therefore recommends that administrative officials be required to submit to the Civil Service Commission such reports regarding the efficiency of probationary appointees as the Commission may require, and that no permanent appointment be made except on certificate by the Commission that the employee has satisfactorily passed his probationary period.

Under this provision the Civil Service Commission might, for example, require that bi-monthly reports be submitted by the head of the department or other organization, during the probationary period, certifying as to the efficiency of the appointee. In case of an adverse report, the Civil Service Com-

mission would naturally withhold certification of permanent appointment. No probationary appointee would then be permitted to become a permanent appointee until after the required number of reports had been made upon his efficiency and the Civil Service Commission had issued a certificate of permanent appointment.

These precautions would force upon appointing officers careful inspection of the work of probationary appointees, and would safeguard the government from placing upon its rolls permanently those who had failed to show proper ability to do the work. By predicating permanent appointment on a decision instead of an omission, the probationary period would become a really effective part of the examination, as it is evident the law intended it should be. It should not be overlooked that the merit system requires the exclusion of the unfit fully as much as the retention of the fit, and that the removal of the unfit during the probationary period works less hardship on them and is less costly to the government than demotion or dismissal after they have received permanent appointment.[1]

Although in certain classes of positions, even six months seems to have been found too short a period for the proper appraisal of the capacity of the probationer, it is believed that for the ordinary run of clerical, sub-clerical, or even routine technical positions it is too long a period. The extension of the probationary period beyond what is necessary for appraisal of the capacity of the employee is undesirable, because it tends to encourage the appointing officer in delaying the taking of positive action in the case of probationers actually meriting removal; and needless to say the longer action is delayed the harder it becomes. It would seem desirable, therefore, to amend the rule on this head by specifying no particular period of probation, but authorizing the Commission to fix such periods by separate action for each class of positions.

Efficiency of the Competitive Examination System.—When the competitive examination system was established by Congress 35 years ago it was adopted not primarily, or perhaps even incidentally, with the thought of providing a system in-

[1] Report, Part I, p. 115.

herently fitted for recruiting the personnel of the government effectively and economically, but rather as a means of combatting the evils inherent in the spoils system. As the merit principle has become more and more firmly established, the value of the competitive examination system as a check against the reintroduction of the spoils method of selection has come to be accepted so much as a matter of course that interest has come to center rather upon the question of the actual efficiency of the competitive examination system as a method of recruitment.

The methods of examination have been developed to such an extent that it is believed that the competitive examination system now furnishes, on the whole, as effective and as economical a system of recruitment as can well be devised for the government, quite regardless of the necessity of excluding politics. More and more large industrial and commercial organizations, as is commonly known, are applying formalized tests in recruiting the run of minor employees, and as to the superior personnel the methods pursued by the Commission are not inherently different from those used in private practice.

A few illustrations of the efficiency of the Commission as a recruiting agency may be cited from the reports of the Commission.

The facilities the Commission has at hand for securing promptly a large number of persons qualified along special lines have been well illustrated by the examination for inspector of meat products held as a result of the act approved June 30, 1906. In the course of the debate on the measure some doubt was expressed by various Members of Congress as to whether the Commission would be able to secure qualified inspectors rapidly enough to meet the needs of the service. The act, however, as passed did not take the positions out of the competitive classified service, and results have demonstrated the wisdom of this course. On July 2 the Department of Agriculture asked the Commission to hold an examination to carry out the provisions of the law. Twenty-four hours thereafter an announcement giving the scope, times, and places

of the examination was sent to the press, to local boards of examiners, and to various institutions through whose agency it was believed that competent inspectors could be secured. Applications came in from every section of the country, and the examination was held on July 21 at about 200 places, at which 2,496 persons appeared, 795 of whom attained eligible ratings. On July 28 the first certification of 51 names was sent to the Department, and within a few days of that time all the papers were rated.

Owing to the heavy demands of the Department, the papers of persons receiving ratings of 65 per cent or over were made eligible and as a result of this action 825 selections in all have been made from the registers of the Commission. This office has been informed by the Department of Agriculture that the results have been satisfactory. A considerable number of excellent employees has been secured, and an extremely small percentage of those certified has turned out to be unsatisfactory. The Commission has now established a second register and is prepared to meet the future needs of the service. It is not believed to have been possible for the Department of Agriculture, with the machinery at its disposal, to itself weed out of the large number of applicants those not having the necessary qualifications for the position in anything like the time actually occupied by the Commission in accomplishing this task.[1]

Another illustration is furnished by the work of the Commission in recruiting the valuation force of the Interstate Commerce Commission:[2]

An act of March 1, 1913, provided for the physical valuation of railroads by the Interstate Commerce Commission. The Civil Service Commission examined competitively for this work 14,050 during the fiscal year 1914 and 4,434 during 1915, a total of 18,484. About 6,500 eligibles were secured and somewhat more than 1,200 have been appointed. Forty-six distinct kinds of examination were held, most of them for technical positions of the highest order. Eighty-seven appointments were made at $3,000 to $4,800 per annum.

In commenting on the force thus assembled, officials of

[1] Twenty-third Report of the United States Civil Service Commission (1906), p. 3.

[2] Thirty-second Report of the United States Civil Service Commission (1915), p. 8.

the Interstate Commerce Commission have stated that through these examinations more satisfactory service has been obtained than could have been secured through any other agency; that the men appointed are of the highest order in training and ability and are exceptionally efficient in the performance of their duties. The men engaged in the physical valuation of railroads constitute one of the most remarkable engineering forces ever assembled and their selection through competitive examination is a striking illustration of the efficiency of the merit system in meeting the demands of the public service.

Indeed the Chief Examiner of the Civil Service Commission has related that "an official of one of the large bureaus of the government which has necessarily close relationship with private business houses has expressed himself as being better satisfied with the employees secured by the commission's methods, for even the highest character of positions, than with those he secured personally when occupying an official position in private employment." [1]

Whatever may be thought of this high praise, it is certain that on occasion some of the appointing officers who have been authorized by law to make appointments without reference to the civil service act, have called upon the Commission to supply them with eligibles. Thus, when the Federal Reserve Act was passed, giving the Federal Reserve Board authority to appoint all its employees without reference to the civil service act, with the proviso that the President might bring those employees under the act, the President, in response to representations, declined to do so, on the theory that the unrestricted selection by the Board would be productive of a better selection and that, owing to the high caliber of the membership of the Board, there was no danger of political selection such as would warrant the interposition of the Civil Service Commission. Upon the organization of the Board, however, it found itself besieged with so many applications for appointment that it called upon the Civil Service Commission to conduct an examination for the purpose.

[1] Thirty-third Report of the United States Civil Service Commission (1916), p. xxxiii.

Similarly the Department of Commerce and the Interstate Commerce Commission have called upon the Commission to recruit by examination men to fill the positions which, under the law, might have been filled solely by the discretion of the Department. It is also noteworthy that as far back as 1905, when, owing to the difficulty experienced by the Commission in securing sufficient eligibles for certain classes of positions on the Isthmus of Panama, it was at one time suggested that this entire branch of the service should be withdrawn from classification, "this plan was, however, opposed by the Isthmian Canal Commission which insisted that it would be impossible to carry on the work successfully without the assistance afforded by the civil service law." [1]

Praise of the efficiency of the Commission's administration of the competitive examination system as a whole, however, does not exclude criticism of the results produced at specific points. In the great number and variety of examinations conducted by the Commission, it is inevitable that the eligible registers provided for a proportion of positions should be less satisfactory than would be the selections made by the honest administrative officer in the exercise of his unregulated discretion. Particularly is this likely to be the case in the technical and administrative positions.

The provision of an adequate staff, properly compensated, would make it possible for the Commission to produce better results, in all but a negligible proportion of cases, than the departments themselves possibly could, and at less cost.

In appraising the efficiency of the competitive system as administered by the Commission, the influence of the military preference and apportionment rules must ever be kept in mind. These rules are not part of the system; on the contrary, to the extent that they operate, they set the whole system at naught.

The Commission as a recruiting agency was subjected to a severe test by the war emergency. The efficiency with which it

[1] Twenty-second Report of the United States Civil Service Commission (1905), p. 19.

met the test has been a subject of some discussion, and, in any case, must be a matter of opinion. It would seem, however, that the work of the Commission, despite exceptions at specific points, was, especially in view of the moderate cost involved, excellently administered, and, within the limitations imposed by the nature of the task, constituted a contribution of the highest value to the war program. The Commission's contribution would have been far greater, it is believed, had the President, at the outset of the war, adopted the policy of centralizing all recruitment in the Commission. Some of the most important war agencies, as the Food Administration, the Fuel Administration, the Shipping Board, the Council of National Defense, the Aircraft Production Board, were excepted by the President from the jurisdiction of the Commission, with resulting duplication of labor and improper placement of personnel.

In this connection the following from the report for 1918 of the Chief Examiner of the Commission is of interest: [1]

> In spite of the magnitude of the work under its direction, there is no criticism heard of the inspectors employed by the Ordnance Bureau throughout the country. That bureau had made definite specifications (amended from time to time as experience justified) covering all the different classes of inspectors required; and these specifications have been published by the commission in announcements of examinations, which have been pending since practically the beginning of the war. Another bureau has been severely criticized by a committee of Congress for the incompetence of its inspectors, and for its wasteful extravagance in the employment of civilians; and it is interesting to note that such bureau had not coöperated with the Commission, had fixed no standard of qualifications, and had made employments of all kinds indiscriminately without reference to any existing civil service registers.

It need hardly be added that what has been here said regarding the efficiency of the competitive examination system operated by the Commission as a recruiting mechanism

[1] Thirty-fifth Report of the United States Civil Service Commission (1918), p. xxxi.

has reference solely to that mechanism and does not relate to the caliber of the personnel actually recruited through it. No system of recruiting can rise above its source; that is to say, it cannot select for the service any higher class of personnel than is attracted to the service by the conditions there obtaining. These conditions, whether of compensation, security, opportunity for advancement, or the like, lie, for the most part, wholly outside the sphere of the Commission's influence; yet it is within the limitations set by them that the Commission's recruiting system must work.

Reemployment of Employees Laid Off.—An obvious requirement of a proper personnel system is that the management should do its utmost to find employment elsewhere in the service whenever, due to lack of work or other causes, it is necessary to reduce the force. Despite the obvious character of this requirement, its recognition in the federal system is a recent innovation adopted only under the pressure of the demobilization of the civilian employees of the government upon the close of the war. Prior to that time a person laid off for lack of work was no longer the subject of any interest on the part of the Civil Service Commission or any other central agency of the government. Should a vacancy occur within the same department within a year after such layoff and the person laid off should be fortunate enough to hear of such vacancy and obtain the consent of the appointing officer he might be reinstated under the general rule governing reinstatement; but his privileges in this respect are no greater than those enjoyed by persons who left the service voluntarily.

The Executive Order of November 29, 1918 (as amended April 30, 1919), by which the obligation of the government towards those laid off for lack of work was for the first time recognized, is as follows:

> The names of persons in the competitive classified service with unrestricted status who were appointed, either permanently or probationally, and who have served less than three years, and who are separated from the service because of a reduction of force, and who are recommended for further em-

ployment by the government because of demonstrated efficiency in the office from which they are separated, will, upon request, be entered by the Civil Service Commission upon appropriate eligible registers for reappointment, eligibility thereon to continue from one year from date of separation.

Such reëmployment registers will be separate and apart from the registers of the Commission resulting from current examinations, and eligibility thereon, and certifications and appointments therefrom, shall in all respects conform to the usual practice and procedure, except that certifications of persons formerly in the apportioned service shall be made without regard to the apportionment.

The Departments in making requisition on the Commission for certification of eligibles shall state whether they prefer certification to be made from a reëmployment register or from a regular register of the Commission.

It is desirable that the Departments, in making requisitions, request certification from the reëmployment registers so far as practicable, having in view the efficient performance of government work.

It will be noted that the order allows the departments, if they so desire, to appoint from the regular competitive register instead of from the reëmployment register. The Reclassification Commission has urged, however, that those on the reemployment register should have precedence over those on the regular register, and even over those in the service who might be promoted to the vacancies "except upon showing of cause satisfactory to the Civil Service Commission." [1] In principle this recommendation is doubtless correct, but if put into effect it would be desirable that the Civil Service Commission adopt a very liberal policy toward the administrative officer who may seek to avoid the reëmployment register in a given case. The danger in giving too mandatory a preference to those on reemployment registers is that the provision of such registers is not infrequently taken advantage of by administrative officers to rid themselves of an inefficient employee whom they lack the courage to dismiss out of hand.

[1] Report of the Reclassification Commission, Part I, p. 128.

CHAPTER XII

RECRUITMENT METHODS: THE UNCLASSIFIED SERVICE

Of the five formal systems of recruitment applied outside the regular competitive classified service, three, those applied to commissioned officers of the Coast and Geodetic Survey, presidential postmasters and laborers, are competitive; and two, those applied to the foreign service and the commissioned officers of the Public Health Service, are non-competitive.

Presidential Postmasters[1]—The system of recruitment of presidential postmasters, as already stated, rests wholly on executive order. This order, which was issued by President Wilson on March 31, 1917, reads as follows:[2]

Hereafter, when a vacancy occurs in the position of postmaster of any office of the first, second, or third class as the result of death, resignation, removal, or, on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service requires that a change shall be made, the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy; and, when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy unless it is established that the character of residence of such applicant disqualifies him for appointment. No person who has

[1] While this book was in press President Harding issued a new Executive Order regarding the appointment of first, second, and third class postmasters, and the Civil Service Commission revised somewhat its scheme of examinations. For the text of the new order and for a brief discussion of it and the revised procedure under it, see footnote beginning on page 399.

[2] Thirty-fourth Report of the United States Civil Service Commission (1917), p. 119.

passed his sixty-fifth birthday shall be given the examination herein provided for.[1]

The precise character of this action should be clearly understood. It does not apply to vacancies created by the expiration of the four-year statutory term. The successful candidate in the open competitive examination thus has before him the assurance only of a four-year term; and, during those four years, he does not enjoy the statutory protection against removal accorded those in the classified service.[2]

At the time of the promulgation of the order the number of presidential post offices was as follows:

Class	Compensation	Number
First	$3,000–$8,000	568
Second	$2,000–$2,900	2,207
Third	$1,000–$1,900	7,564
		10,339

The average salary was approximately $1,612.

The President's order fixes no requirement respecting residence for these examinations, but merely provides by implication that an eligible may be disqualified because of residence. By regulations, however, the Commission requires that the applicant "must actually reside within the delivery of the office for which the application is made." [3] It thus perpetuated

[1] On October 8, 1920, after this manuscript was prepared, President Wilson amended the Executive Order of March 31, 1921, by providing for an examination, "if such vacancy is not filled by nomination of some person within the competitive classified civil service who has the required qualifications," thereby permitting the promotion of a classified employee to a postmastership without further examination. The amended Order also prohibited the examination of a person "who has not actually resided within the delivery of such office for two years next preceding such vacancy." Thirty-seventh Report of the United States Civil Service Commission (1920), p. 97.

[2] Comprising a prohibition against removal "except for such cause as will promote the efficiency of said service," and the requirement of charges in writing, opportunity for answer, and the like.

[3] It is also provided that he "must have so resided at the time the vacancy occurred," this restriction being manifestly designed to prevent the evasion of the residence requirement by a removal into the delivery area after the vacancy occurs. After this discussion was written President Wilson amended the Order of March 31, 1917, as indicated in a preceding footnote, and wrote the residence requirement into the Order.

the old tradition that, without any legal requirement, had always governed. This tradition, it will be recalled, was also observed when the system of competitive examination was extended to the fourth class postmasterships, but in that case opening the competition to persons not resident in the district would have been of little avail in getting better candidates because the duties of the fourth class postmasters must almost invariably be performed in conjunction with some local business.

To estimate the effect of this residence requirement upon the quality of the competitors is difficult. In the less important offices, it is probably not serious. In the larger offices it bars from the competition postal employees who hold positions of advanced responsibility in other post offices, which may be larger perhaps than the office in which the vacancy in the postmastership occurs. Free movement of experienced administrative employees from one post office to another is, as already pointed out, in the highest degree desirable, and it is believed that the time has come to abandon or materially liberalize the residence requirement for postmasterships, with respect to employees already in the postal service.

The examination system devised by the Civil Service Commission to carry out the order establishes two distinct types of examination: (1) for offices having an annual compensation from $1,000 to $2,400, a combination of an assembled written test and a non-assembled experience test; and (2) for offices having an annual compensation above $2,400, a non-assembled education and experience test.

For the offices having annual compensation of from $1,000 to $2,400, applicants are examined on arithmetic, penmanship, and letterwriting, which are given a weight of 65, and the remaining 35 weights out of the total of 100 are given to experience and business training. In the examination for offices having an annual compensation above $2,400 education has a weight of 20, and business training and experience a weight of 80 per cent.

No indication is given by the Commission of the basis upon

which the rating on experience is determined in the examinations for offices having a compensation of $2,400 or less; but, if the statements made by it with respect to the rating of experience for examinations for offices having compensation above $2,400 may be accepted as a guide, the experience considered desirable is that gained in executive positions in business, and no special weight is attached to experience in the postal business. In establishing standards of experience for offices paying more than $2,400, the Commission differentiates between different sizes of offices according as their pay is (1) from $2,400 to $4,000; (2) from $4,000 to $6,000; and (3) over $6,000. For the lowest class "applicants must show that for at least three years they have held responsible positions in which their principal duties involved the management of business affairs and the direction and supervision of employees, including such positions in the different branches of the postal service." For offices paying from $4,000 to $6,000 the requirement is for at least five years' experience as "president, general manager, general superintendent, or assistant general superintendent requiring the active charge of firms, corporations, or offices," and for offices paying more than $6,000 a year, seven years of such experience.[1]

In none of these statements of requirements is any special importance or value attached to experience in the postal service as opposed to experience in private business. If anything, greater value is apparently attached to business than to postal experience. This is, of course, in harmony with the whole tenor of the order establishing a system of open competition rather than one of promotion, and the Commission is, therefore, perhaps not to be criticized for carrying out the intent of the order. Nevertheless, it would seem that, even within those limitations, the Commission might well, in its published announcements, encourage the competition of members of the

[1] There are also age requirements graded according to the class of the post office. For offices of the first class the minimum age is 30 and for those of the second class the minimum age is 25 years. (Third class offices fall wholly in the class of those having annual compensation of from $1,000 to $2,400.) The maximum age is 65 years for both classes.

postal service by placing much more emphasis than it now does upon the desirability of postal experience. In connection with the smaller offices this could hardly be done, of course, without changing the requirements of the regulations to the effect that the applicant "must actually reside within the delivery of the office for which the application is made," since the only postal employees so resident might have had altogether too little experience to warrant their serious consideration for the postmastership. It is impossible to state to what extent the Commission, in its rating, is actually giving credit for postal experience. It is believed, however, that the actual rating substantially accords with the policy thus apparently implied in the statement of requirements, and that a postal employee who makes application for a presidential postmastership finds his postal experience receives little, if any more, consideration, and perhaps, in some cases, not as much as the experience gained in wholly remote lines of business.

With respect to the evidence used in rating, the Civil Service Commission states that in the examination for offices having an annual compensation of $2,400 or less "the subject of business training and experience is rated on the applicants' statements in their applications and corroborative evidence" and it makes the same announcement with respect to the rating on "education" in the examination for offices having compensation above $2,400. In the latter examination, however, the rating on "business training and experience" is based, not only upon the statements of the candidate, but upon "a careful personal investigation of each applicant by representatives of the Civil Service Commission, one of whom is to be selected by the Commission from the Post Office Department, such representatives to make report of their investigation direct to the Commission." The investigation on this head is to consist of a "careful personal inquiry from persons best qualified to know of the business qualifications, ability, and experience of each candidate, the report of such inquiry to be confined to the findings of facts and to be made part of the evidence and report upon which the Commission

rates the candidate." At the same time, the representatives are to make inquiry "as to each candidate's suitability for the office by reason of his character and personal characteristics, this part of the inquiry to be non-competitive and not to be considered in the rating of the candidate, but if he is found unsuitable by the Commission, as a result of such inquiry, he, of course, will not be declared eligible."

The President's order governing the appointment of presidential postmasters goes further than do the civil service rules in the influence allotted to the examination in determining selection. Under the rules of the regular competitive system, three names are certified to the appointing officer for each vacancy and his selection from among those names is in no way controlled. The President's order, on the other hand, requires that when the "examination has been held and the papers in connection therewith have been rated, the said Commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for appointment."

Rumors have been current in recent months that the Post Office Department was urging the President to amend the rule so as to permit the department to send him the name of any one of the highest three as in the classified competitive service. What has been said regarding the merits of that practice in connection with the regular competitive system applies here and need not be repeated. The officers of the National Civil Service Reform League, although they had never taken any strong ground in opposition to the practice of certifying three names for each vacancy in the regular competitive system, wrote to the President opposing the introduction of the one in three rule in the case of presidential postmasters. They said:[1]

In the promulgation of the order, the President stood on high ground which will not, we venture to suggest, be under-

[1] *Good Government,* vol. 36, p. 157.

mined by those members of Congress who seek a partial return to the patronage system. In providing as you did, for the appointment of the first person unless it is established that the character or residence disqualifies him from appointment, you reduced substantially the pressure exerted by office seekers upon the executive branch of the government. A return to the rule of three would be interpreted as an invitation to friends of eligibles to attempt to influence the appointment.

The suggestion that some latitude might properly be allowed the department when the differences in the ratings are very slight would seem to have special application to the examination provided for postmasterships paying under $2,400. Here the rating on experience has a weight of 35 out of 100 in a final average in which, by a mathematical computation, the rating on experience is combined with the ratings in the written tests. Relative ratings produced by such a mathematical combination are notoriously unreliable as means of determining the relative merits of candidates whose final averages differ but little.

The President's order does not state who shall determine whether the character or residence of the applicant disqualifies him for appointment. It appears [1] that, in practice, when the department, on making investigation,[2] has taken exception to the character or residence of the highest eligible, it has called the matter to the attention of the Civil Service Commission and requested it to re-rate the examination. In some cases the Commission has complied but in others it has de-

[1] Hearing before the subcommittee of the Committee on Post Offices and Post Roads, United States Senate, Sixty-sixth Congress, First Session, on the nomination of Robert T. Wade for postmaster at Morehead City, N. C., p. 90.

[2] The department, however, has not relied solely on its own investigation but has permitted any member of Congress to examine, for his "confidential" information, the eligible register transmitted to it by the Civil Service Commission. (Hearings, p. 81.) This would seem a wholly unnecessary, if not improper, procedure, particularly as the eligible himself is not even advised of his relative standing on the list. The responsibility of the department under the order would be discharged, and all proper interest of the Congressman met, by advising the Congressman of the name of the highest eligible and requesting advice of any facts regarding the "character or residence" of that eligible which might tend to disqualify him for appointment.

clined. In the latter cases the department has generally acquiesced, but in a few instances it has certified to the President the name of the next highest eligible, taking the position that the power of "establishing" that the character or residence of the eligible disqualifies him for appointment rests with the department; and in this the Commission has acquiesced.

Examination of the records of the department made in September, 1919, showed that, out of a total of 1,267 appointments made under the order, the first eligible has been nominated in 1,188 cases, or 93.7 per cent of the total; or, if the cases in which the death or declination of the first eligible necessitated the selection of the next available eligible be added, in 1,214 cases, or 95.7 per cent of the total. In the remaining 53 cases the first eligible was rejected, in 35 cases because of character or residence, and in 18 cases because of ill health.

An executive order issued April 13, 1920, extends to presidential postmasterships the principle of military preference enacted by Congress for all non-presidential positions, but in a much more limited form. The order provides:

> The Veteran Preference Statutes shall apply in the selection of persons for appointment as postmaster at offices of the first, second, and third class. When the highest eligible certified to the Postmaster General by the Civil Service Commission is not a veteran but a veteran is among those certified as eligible, the Postmaster General may submit to the President for nomination the name of either the highest eligible or the veteran obtaining the highest eligible rating as the best interests of the service may require.

Although the order thus provides that the "veteran preference statutes" shall apply, the context makes clear that the preference is to be extended only to the veteran himself, and not to his wife or widow, as provided by the Statutes.

When the department has certified a name to the President, that name has invariably been sent to the Senate; at least, no instance has come to light in which the friends of any candidate have attempted to intervene at this stage of the

procedure. In the Senate the nomination is considered by the Committee on Post Offices and Post Roads, and only in one or two cases in which some special question has been raised as to the propriety of the examining procedure has that committee failed to confirm the nomination, virtually without investigation. Up to the present time the requirement of confirmation by the Senate cannot be said, therefore, to have been in any degree inimical to the competitive or merit principle in the selection of presidential postmasters.

The proved efficiency of the methods employed by the Commission in recruitment for the ordinary grades in the competitive classified service makes it reasonable to assume, almost without investigation, that those methods have produced similarly satisfactory results here, and there is no reason to question this assumption.[1] With respect to the more important postmasterships, however, the application of competitive examination methods by the Commission presents almost a distinct novelty. The position of postmaster at Boston, for example, for which the Commission recently held examination, carries a salary of $8,000, a salary double the highest salaries for any positions in the classified competitive service to which the Commission had previously applied the method of competitive examination (except in a few special instances). From the evidence thus far available, however, there is no reason to believe that the results of the examinations as applied to these higher offices has been other than satisfactory. This is not to say that in all cases opinion has been unanimous in the city concerned that the best candidate has been selected; but no instance has come to attention in which public dissat-

[1] The only case in which there has been any airing on the qualifications of the candidates was that of the postmastership at Morehead, N. C., which was the subject of investigation by the Senate Committee on Post Office and Post Roads in 1919. In this case it was admitted by the witnesses that both candidates on the eligible register were well qualified for the position, the question at issue being merely whether the Civil Service Commission had acted properly in revising the ratings at the instance of the Post Office Department so as to reverse the position of the two candidates on the eligible register (see Hearings Before the Subcommittee of the Committee on Post Offices and Post Roads, United States Senate, Sixty-sixth Congress, first session, on the nomination of Robert T. Wade as postmaster at Morehead, N. C.).

isfaction has been expressed with the selection or the opinion voiced that the appointee was not qualified for the post.[1]

[1] It has been stated that the results of the examination for the postmastership at Worcester, Massachusetts, a $6,000 position, perhaps the first important postmastership to be filled under the order, was eminently satisfactory. (See *Good Government*, January, 1918, vol. 35, page 15).

On May 10, 1921, President Harding issued a new Executive Order governing the appointment of first, second, and third class postmasters, which was subsequently slightly modified to make the two years' residence requirement relate to the date of the examination instead of to the date of the vacancy for which the examination is held. The Order as revised reads as follows:

"When a vacancy exists or hereafter occurs in the position of postmaster at an office of the first, second, or third class, if such vacancy is not filled by nomination of some person within the competitive classified civil service who has the required qualifications, then the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the results thereof to the Postmaster General, who shall submit to the President the name of one of the highest three qualified eligibles for appointment to fill such vacancy unless it is established that the character of residence of any such applicant disqualifies him for appointment: *Provided*, That at the expiration of the term of any person appointed to such position through examination before the Civil Service Commission, the Postmaster General may, in his discretion, submit the name of such person to the President for renomination without further examination.

"No person who has passed his sixty-fifth birthday, or who has not actually resided within the delivery of such office for two years next preceding the date of examination, shall be given the examination herein provided for.

"If, under this order, it is desired to make nomination for any office of a person in the competitive classified service, such person must first be found by the Civil Service Commission to meet the minimum requirements for the office."

This Order, it will be noted, applies to vacancies created by the expiration of the four-year statutory term, but it gives the successful candidate in the open competitive examination the assurance only of a four-year term. Although it permits the Postmaster General, in his discretion to submit for renomination without further examination the name of the postmaster originally appointed by examination, it does not require him to do so if the services of the postmaster have been satisfactory. A successful postmaster of the opposite political faith from the administration might find himself required to take a new competitive examination.

Under the new Order, moreover, he might fail of reappointment even should he stand head and shoulders above his two nearest competitors in the new examination, because the new rule gives to the Postmaster General the right to select from among the three highest eligibles.

The new Order preserves the residence requirement which by amendment was written into President Wilson's Order of March 31, 1917. All that was said in the original text against this requirement applies with equal force against the new Order.

Under the new Order assembled written examinations are held for third-class postmasterships, which pay from $1,000 to $2,200. The sub-

Coast and Geodetic Survey.—The law governing the appointment of commissioned officers in the Coast and Geodetic Survey, who comprise the unclassified personnel, does not provide for a competitive examination when entering the service, merely stipulating that no person shall be appointed aid, the lowest rank, or promoted "until after passing a satisfactory mental and physical examination conducted in accordance with regulations prescribed by the Secretary of Commerce." [1] The

jects and weights in this examination are as follows, according to the circular (Form 2223) issued by the Civil Service Commission in July, 1921:

Subjects	Weights
1. Business training, experience and fitness (under this subject, full and careful consideration is given to the candidate's business training and experience. The rating is based upon the candidate's sworn statements of his personal history, as verified after inquiry by the Commission. It must be clearly shown that the candidate has demonstrated ability in meeting and dealing satisfactorily with the public)	50
2. Accounts and arithmetic (this test includes a simple statement of a postmaster's monthly money-order account in a prepared form, furnished the candidate in the examination, and a few problems comprising addition, subtraction, multiplication, division, percentage, and their business applications)	30
3. Penmanship (a test of ability to write legibly, rated on the specimen shown in the subject of letter writing)	10
4. Letter writing (this subject is intended to test the candidate's ability to express himself intelligently in a business letter on a practical subject)	10
Total	100

Candidates for this examination must have reached their twenty-first birthday and must not have passed their sixty-fifth.

For first and second class postmasterships the examinations are non-assembled, and are not radically different from those under the earlier Order as described in the original text.

The requirements under the current circular (July, 1921) are as follows:

Prerequisites.—Offices over $6,000.—For offices paying more than $6,000 a year the candidates must show that for at least seven years they have successfully filled responsible positions which required ability to organize, to direct, or to manage business affairs, including such positions in different branches of the Postal Service; candidates must also show that they have demonstrated their ability to meet and deal with the public satisfactorily. (Explanatory.—The nature of the business, the amount of clerical or office help supervised, the responsibility of the position filled, the extent of executive ability and initiative demonstrated, and the degree to which analysis of administrative and organization problems was involved will be given consideration in rating this subject.)

[1] 40 Stat. 88.

regulations, however, provide that all aids "shall be appointed by promotion from the position of junior engineer, deck officer, or extra observer, and in no case shall a person be appointed to the position of aid unless he has served at least six months as junior engineer, deck officer, or extra observer, and has performed satisfactory services and shown the proper qualifications for a commissioned officer in the Survey."

Junior engineers, deck officers, and extra observers are appointed "from a list of eligibles established by competitive examinations conducted in accordance with the rules of the United States Civil Service Commission."

In this service, therefore, the examination for initial appointment is made by the Civil Service Commission, but all examinations for commissions or for promotion are conducted by the service itself.

Laborers.—In a governmental personnel system the recruitment of laborers requires and justifies a greater degree of attention than would seem warranted by the importance of the positions involved. The economic class, from which laborers are recruited is, in the cities, the most numerous class, and the one in which employment is most irregular. Hence a local politician who can distribute government places carrying regular employment, however poorly paid, has a large and fruitful field of activity. Moreover, owing to the difficulty of applying any severely competitive methods to the selection of laborers, the system of recruitment tends to be less strictly safeguarded than in the case of positions involving more specialized qualifications. The result is that the spoils system clings to labor positions with a tenacity almost equal to its hold on the higher executive positions.

An additional reason for watching the entrance to labor positions with especial vigilance is that it may furnish a "back door" to the clerical service. The duties of a "laborer" in many cases shade off into those of a "clerk"—as where laborers are employed in stockrooms. In a well ordered personnel system properly qualified laborers may advance to certain clerical positions. Thus those unable to secure clerical positions

through the regular channels may try to secure them by entering the service as laborers and subsequently securing a detail or a promotion to a clerical position.

The regulations by which the principle of competitive examinations was extended to labor positions (under the authority conferred on the President by the act of 1871) are made up, as already indicated, of two sets of regulations, one applying to labor positions in Washington, the other to the field services.[1]

The regulations differ considerably in matters of detail. A substantive difference which is difficult of explanation is that, while in the case of the field services, the age limits are fixed (II, Section 1) at from 20 to 50 years, which amounts to almost no restriction at all, for the positions at Washington (Regulation II) the age limits "may be prescribed by the Commission with the approval of appointing officers." Most important, however, is the difference in the composition of the "labor boards" which are set up to administer the regulations and to conduct the examinations. In Washington (Regulation I) a "board of labor employment" is set up for "each department and independent executive office," the head of which "may designate one of its employees to serve as a member" of the board; and it is provided that "the Civil Service Commission shall supervise and direct the work of the board, and its representative on the board, in the absence of other members, shall perform the duties of the Board." What is thus provided is examination under the supervision of a joint departmental and Civil Service Commission Board.

In the field service, a board of labor employment has been organized for each of the twelve districts into which the country is divided for the administration of the regular competitive system. Such a district board consists of three members of the force of the Civil Service Commission in that district,

[1] The regulations governing Washington were promulgated November 15, 1904 and amended July 12, 1905, and October 21, 1908. The present regulations governing the field services (superseding those originally promulgated December 12, 1904) were promulgated July 3, 1909, and amended June 15, 1915.

the district secretary acting as chairman, with the proviso that "in the event that in any civil service district there is not a sufficient number of the commission's employees available, detail may be made to the commission's force for the filling of vacancies in the labor employment board, until the commission shall have men of its own to relieve such detail." In addition to the three members of the board for the entire district, the Commission appoints in each city outside of the district headquarters where these regulations are in force a person in the federal service in that city as an auxiliary member of the board which serves in connection with the appointment of unskilled laborers in the service in such city.

Rating is made solely on the basis of ability to perform manual labor, as shown by ability to lift a weight, or to meet some other test of strength, and by physical examination. Such examination is conducted at Washington, and at other cities where available, by physicians in the federal service detailed therefor. Where such physicians are not available the Commission designates physicians in private practice for the purpose. The ratings are relative and competitive, with preference to qualified disabled veterans and Civil War veterans, as in the case of eligible lists for regular classified positions.

The regulations covering the field service provide (III, Sec. 4) that "a copy of the register shall be kept in a place accessible to the public in the office of the secretary of the district in which the applicants are eligible and elsewhere as the commission may direct." No such provision is made with respect to the Washington labor lists.

The method of certification is substantially the same as for classified positions, separate eligible registers being maintained for each city. The Commission is authorized, however, in the regulations governing the field service to certify from its register in any civil service district "the three standing highest thereon shown by said register to possess the requisite qualifications for the position to be filled." [1] The

[1] In a note to this regulation, the Commission cites its Circular No. 1725, of June, 1910, as follows: "Under the provisions of this section

method of rating purely in accordance with physical capacity is thus qualified, in the case of the field service, by permitting the general lists to be subdivided, after examination, into special lists on the basis of special qualifications, but without such special qualifications having been made the basis of competitive rating. While this method may seem to run counter to the strict competitive principle, it is doubtless justified in view of the rarity with which special qualifications are called for in this class of positions.[1]

Before passing to a consideration of the two important systems of non-competitive examination now in force—the systems applied to the consular and diplomatic services and to the medical officers of the Public Health Service—it may be well to comment on this type of examination in general.

Attention has been called already to the law of 1853 under which clerical positions in the departments at Washington were filled upon non-competitive or pass examinations, and to the way in which that system broke down. In 1902 the Commission made the following comment in reference to pass examinations: "The tendency of mere pass examinations is to become more and more a matter of form, and there is no security that such examinations will long be effective where there is strong political or personal pressure behind the candidates."

In 1908, in connection with a provision of a pending bill, which called for the appointment of a large force required for the taking of the Thirteenth Decennial Census upon a non-competitive examination, the Commission presented at some length a discussion of the evils of the non-competitive as opposed to the competitive system.

certifying, nominating, or appointing officers may call for such vouchers or make such inquiries as they may deem advisable to satisfy themselves as to the possession of qualifications claimed by eligibles. The difficulty encountered in securing satisfactory eligibles for four-line teamsters and deckhands in the Quartermaster Corps at San Francisco, California, has been met by authorizing investigations along the lines set forth above."

[1] It would seem, however, that certain of the duties classed by the Commission as unskilled labor properly belong under the head of skilled labor and should be examined for individually as such. The positions of truckman and teamster, cited in the Commission's circular distinguishing between "classified" and "unclassified" duties and the position of deckhand, cited in the preceding note, are instances of this.

In the interests of economy and efficiency, and with a view to securing an accurate census not in any way colored or affected by political bias, the Commission urges that it be amended by striking out the word "non-competitive" and substituting in lieu thereof the word "competitive."

President Roosevelt considered the evils of non-competitive examinations in the Census Office great enough to make them the subject of a special message to Congress. He points out in that message that the majority of clerical employees of the last two censuses, appointed on the basis of political favor, were far below the average of persons of like grade appointed through competitive examinations. This is shown by actual comparison, and is emphasized by the highest authorities of census matters. Mr. Frederick H. Wines, assistant director of the Twelfth Census, says: "In making selections from the list of those who passed the examinations no attention whatever was paid to their comparative rating. It was a 'pass' examination, pure and simple."

With employees of inferior ability the work is unnecessarily prolonged, the cost increased, and the accuracy of the census discredited. Hon. Carroll D. Wright maintains that there was a great waste of both time and money in carrying on the Eleventh Census. He says: "The absolute necessity of bringing the whole census force into the classified service, in accordance with the civil service act, seems to me perfectly apparent. Had this been the rule in the Eleventh Census there would have been, in my opinion, a saving of at least $2,000,000 and more than a year's time." Subsequently investigation, resulting from this statement, proved it to be a conservative one. Labor costs rose far above the necessary level in the Twelfth Census. Mr. Harry T. Newcomb, chief of the division of agriculture, makes this statement in a letter to President Roosevelt: "It was far easier, in my experience, to obtain a score of additional clerks at an annual cost of from $14,000 to $24,000 than to secure an expenditure of $1,000 for supplies which would save the labor of twenty clerks." Business men in all parts of the country have condemned the method of appointments under non-competitive examinations as unbusinesslike and detrimental to the best interests of the nation.

The President also states in his special message that non-competitive examinations serve only as a cloak to hide the nakedness of the spoils system. "Such examinations," he says,

"are useless as checks upon patronage appointments." Frederick H. Wines says as regards the Twelfth Census "that there were numerous instances in which an unsuccessful applicant was granted a second, third, or fourth trial." No attention was paid to the comparative ratings of those on the lists. "A rating of 75, with proper political or other indorsement," says Mr. Wines, "was sufficient to secure an appointment where a rating of 100 would count for nothing without it." Thus non-competitive examinations tend toward furnishing employees of minimum efficiency, while competitive examinations insure the maximum of efficiency.

The Director of the Census, instead of having his mind free to organize the bureau and supervise the important field work carried on by the supervisors and enumerators, would be forced to give a large portion of his time to politicians anxious to get their share of patronage. This was the case in 1890 and 1900. Mr. Porter, who was then superintendent, made a statement about the system forced upon him in the census of 1890 in part as follows: "Why transfer the Census Office at the busiest season into an examination department for clerks, and a director of a vast scientific investigation into a dispenser of political patronage? It is simply unjust to such an official." Dr. John Shaw Billings, in charge of the division of vital statistics of the Eleventh Census, said: "The whole of my work in the census has been done in the face of great obstacles, owing to repeated changes of clerks for political reasons, etc., and I am tired of struggling with the most unpropitious circumstances that have surrounded the work."

The Commission also quotes from the report of the Director of the Census for the fiscal year 1908, in which he says:

A "non-competitive" examination means that every one of the many thousands who may pass the examination will have an equal right to appointment, and that personal and political pressure must in the end, as always before, become the determining factor with reference to the great body of these temporary employments. I can not too earnestly urge that the Director of the Census be relieved from this unfortunate situation. If these clerks can be appointed as needed, in the order certified from a competitive examination, a better service will be secured than will otherwise be possible, the efficiency of the force will be greatly increased, and the cost of the census correspondingly reduced.

The foregoing has been cited merely by way of indicating the evils which may be inherent in a system of non-competitive or pass examination when conducted on a large scale for minor positions. It is not intended to imply that the positions taken by the Commission have any necessary application to the selection of a much smaller force of high grade officers or employees. Nevertheless, the conditions described by the Commission indicate the type of evil to which a non-competitive system is subject and which, in every case, must be guarded against.

Consular Service.—All positions in the foreign service lie outside the competitive classified service—the positions of consul and diplomatic secretary, because they are presidential positions,[1] and the subordinate positions by virtue of a general exception from competition made by the civil service rules covering "any person employed in a foreign country under the State Department." [2]

In point of numbers and importance, the consuls are, of course, far the most important group in the foreign service.

The desirability of eliminating political considerations from the selection of consuls was given official recognition in varying forms long before any effective system for the purpose was actually developed. As early as 1856 Congress had authorized the President to provide regulations for the appointment of vice-consuls, consular agents, commercial agents, and so forth. In 1866 Secretary Seward prescribed a plan of non-competitive examinations to keep out unfit candidates for the consular service, and one examination was actually held under his orders. In 1872 other examinations were provided. Again in 1895 provision was made for examinations embracing general education, business training, and experience, and requiring a knowledge of languages of the country to which the consul was to be sent, of the exequatur, of the powers and duties of consuls, of treaties, of consular regulations, and of other subjects. An examination board was organized, and while at first the

[1] The positions of ambassador and minister, of course, all fall under this head, but being filled without the use of any formal system of selection, they fall outside the scope of the present discussion.

[2] Schedule A, I, 7.

rules were strictly observed, and nearly 50 per cent of the men nominated were excluded, yet afterwards the examinations became merely perfunctory, and scarcely any of the men selected were rejected.

Finally, in 1906, in response to an insistent demand from the business interests of the country, President Roosevelt, by Executive Order, established a system of non-competitive examinations for entrance to the consular service that, with modifications, is still in force.

The way was paved for this order by an act of Congress classifying the several consular offices by salary.[1]

The order of President Roosevelt provided that thereafter all vacancies in the position of consul, Class 7 (of which the salary is $3,000) [2] or any higher class should be filled by promotion, either from lower positions in the consular service or from positions in the State Department. For appointment to Classes 8 and 9 carrying salaries of $2,500 and $2,000, respectively, the order established the system of non-competitive examination about to be discussed.

Under the order [3] a board of examiners for admission to the consular service is created, consisting of the Secretary of State or such officer of the Department of State as the President may designate, the Director of the Consular Service and the Chief Examiner of the Civil Service Commission (or some other person whom the Commission may designate). In order to obtain admission to the examinations, designation of the candidate must be made by the President, who acts, of course, on the recommendation of the Department. The only official rule which has been promulgated relative to the designation is that contained in the original Executive Order which provides that "in designation for appointment subject to examination

[1] Act of April 5, 1906, 34 Stat. 99.

[2] Under a recent act the position of "Vice-Consul de carriere, Class II" with a salary of $2,750, has been set up between the grades of Consul, Class 7 (at $3,000) and Consul, Class 8 (at $2,500); and the executive order has been correspondingly amended to require this new grade also to be filled only by promotion.

[3] As amended on December 12, 1906, April 20, 1907, and December 8, 1909.

. . . due regard will be had to the rule that as between candidates of equal merit appointments should be made to secure proportional representation of all the states and territories in the consular service, and neither in the designation for examination nor certification for appointment will the political affiliations of the candidate be considered."

As to the extent to which political considerations do actually govern, it is extremely difficult to offer an opinion. The Committee of the National Civil Service Reform League which, during the year 1918-19, made an investigation into the personnel aspects of the foreign service, was apparently unable to obtain any exact information on this point. In its report it says:[1]

> Your committee is informed that all applications are passed upon by the Third Assistant Secretary of State, who is himself a political appointee. The Third Assistant Secretary of State does not, we are informed, have anything to do with the men once they are in the service, but is called upon to examine and give his approval upon all examinations. We are informed—upon good authority—that the applications to take the examinations are only thrown out in those cases where they have been so short a time citizens of the United States that it might be inadvisable to give them an appointment, or else when, on the face of their applications, they are manifestly unfit. Nevertheless, the proper method of excluding these men would seem to be in the examination itself. Nor does there appear to be any good reason why a political officer should sit in the Department of State to watch over whatever remains of patronage for distribution.

The examination is held at Washington whenever the needs of the service require. The Committee of the National Civil Service Reform League which investigated the foreign service urged that the written examinations should be held in the principal cities. This recommendation seems wise, not only be-

[1] Report on the Foreign Service, published by the National Civil Service Reform League, 1919, p. 24. The Director of the Consular Service has stated in response to a direct inquiry that "in the past, nearly all of the men who presented their formal applications to the Department of State have been designated for examination." (Letter to the Institute for Government Research.)

cause it would widen the interest in and the competition for these places, but also because as the committee pointed out, a more general representation from all parts of the country would be obtained. Under present conditions, the committee states, despite the rule of apportionment, an undue proportion of the service is recruited from persons resident at the Capital, who are only nominal residents of the states to which they are accredited in determining the quotas for apportionment purposes.[1] The recommendation of the committee contemplates, of course, an oral examination at Washington of those who have passed the written examination successfully.

The scope of examinations is determined in the first place by the original executive order, which provides that "among the subjects shall be included at least one modern language other than English, the natural, industrial, and commercial resources and the commerce of the United States, especially with reference to the possibilities of increasing and extending the trade of the United States with foreign countries, political economy, elements of international commerce, and maritime law." Subject to these provisions the board of examiners is empowered to determine the scope and method of examination. In addition to the subjects thus prescribed by Executive Order, the examinations now embrace also arithmetic, American history, government and institutions, and modern history.

It is the practice for the Board of Examiners itself to rate the candidates on their oral examination. The written papers are referred to the Civil Service Commission for rating. The Executive Order provides that "examination papers shall be rated on the scale of 100 and no person rated at less than 80 shall be eligible for certification."

The section regarding certification provides that "whenever a vacancy shall occur in the 8th or 9th class of consuls which the President may deem it expedient to fill," the board of examiners shall certify to the Secretary of State, who in turn transmits to the President "for his information," "the list of

[1] Report on the Foreign Service, published by the National Civil Service Reform League, 1919, p. 25.

those persons eligible for appointment, accompanying the certificate with a detailed report showing the qualifications, as revealed by examination, of the persons so certified. If it be desired to fill a vacancy in a consulate in a country in which the United States exercises extraterritorial jurisdiction, the Secretary of State shall so inform the Board of Examiners, who shall include in the list of names certified by it only such persons as have passed the examination provided for in this order, and who also have passed an examination in the fundamental principles of the common law, the rules of evidence, and the trial of civil and criminal cases."

It will be noted that the provision of the executive order calling for apportionment among the states in designations for examination applies equally to appointments after examination. There is little to be added to what has already been said with regard to the rule of apportionment as applied to the classified service. Discussing the matter with special reference to the foreign service the Committee on Foreign Service of the National Civil Service Reform League reached the conclusion that the rule of apportionment had outlived its usefulness and should be entirely abolished.

The committee of the National Civil Service Reform League unfortunately omitted to discuss one of the most important phases of the examination system—the extent to which the relative ratings given by the board of examiners are permitted to control, subject to the apportionment requirement of the Executive Order just mentioned, in the final selection of names for recommendation to the President for nomination. Direct inquiry made of the Director of the Consular Service has elicited the statement that

> There is no rule requiring the selection of men from the eligible list in accordance with their examination standings. The Department does, however, give consideration to the standing of candidates on the eligible list when selecting men for appointment.[1]

[1] Letter to the Institute for Government Research, January 29, 1920.

The committee of the Reform League, while attempting no characterization of the existing situation with respect to the entrance of political influence in selection, recommends that the examinations be open to all and that the ratings of the successful candidates be published. Its recommendations on the matter of selection from among those successful are not entirely clear, but consistency would require that selections be made substantially in accordance with the order of rating.[1]

The committee further recommends that the examinations be held under the auspices of the Civil Service Commission instead of under the auspices of the Department of State. The intent of all these recommendations is the same, namely, that regardless of the degree of fidelity to the merit principle with which the department may administer its closed non-competitive system of selection, it is desirable that the system be placed upon a basis which will, so to speak, give notice to the world that it is actuated solely by considerations of merit. As long as the present closed non-competitive system exists, the public cannot have full confidence in its administration.

Diplomatic Service.—Formalized methods of selection were applied to the diplomatic service four years after they had been successfully applied to the consular service. By order of November 26, 1909, President Taft, in addition to ordering a classification of the secretaryships in the diplomatic service "according to the importance, volume, difficulty, or other aspects of the work done by each mission in proportion to the number of men allotted to it," and prescribing that "unofficial appointments from outside the service . . . should be made only to the lower grades," created a board "to deter-

[1] The committee recommends that those successful in the written examination be examined orally at Washington and that "candidates who pass the oral examination be given a period of trial and instruction in the Department of State before nomination for appointment." These recommendations do not seem to contemplate the possibility that a number passing the oral examination and thus placed on trial in the Department of State may substantially exceed the number actually required to fill current vacancies. Clearly selection must be made from among those who pass the oral examination only to a number sufficient to meet anticipated needs.

mine the qualifications of persons designated by the President for examination, to determine their fitness for possible appointment as secretaries of embassy or legation." This board now consists of the Assistant Secretary of State, the Third Assistant Secretary of State, the solicitor for the Department of State, the chief of the diplomatic bureau, the chief of the bureau of appointments, and the Chief Examiner of the Civil Service Commission, or such persons as may be designated to service in their stead. The subjects of examination do not differ materially from those prescribed for the consular service except that diplomatic usage is included. The method of examination, and the practice in certification and appointment, are substantially the same as in the consular service.

In 1910, President Taft, in a message to Congress, recommended that the application of the merit principle to the consular and diplomatic service be given a statutory character. He stated his conviction "that the enactment into law of the general principles of the existing executive regulations could not fail to effect further improvement of both branches of the foreign service." [1] Similarly, in 1917, the Civil Service Commission declared that "the system of appointment to the Consular Service rests upon an Executive Order and does not have the sanction of Congress. It is believed that if the system were supported by statute there would be wider public persuasion of its stability." [2]

Non-competitive examinations are given by the State Department for the positions of consular assistant and student interpreter.[3] The differences between the methods in use for these positions and those already reviewed in connection with the consular service are too unimportant to warrant detailed examination.

[1] Quoted from Twenty-seventh Report of the United States Civil Service Commission (1910), p. 33.

[2] Thirty-fourth Report of the United States Civil Service Commission (1917), p. xviii.

[3] Clerks in consular offices are appointed without formal examination of any kind. There is special statutory provision (R. S., Secs. 1704 and 1705) for the appointment by the President, after examination, of 13 "consular clerks," but this provision is obsolete.

Public Health Service Medical Officers.—The system of selection for the medical officers [1] of the Public Health Service is not only a non-competitive system, but is unique in that it is administered wholly by the service itself. As has been pointed out in a preceding chapter all medical officers of the service are "presidential" appointees and the system of selection is based upon a provision of law prescribing that "no person shall be appointed as a medical officer of the service until after passing a satisfactory examination in the several branches of surgery, medicine, and hygiene *before a board of medical officers of the said service.*" [2] Thus it would appear that in the case of this service it would be beyond the power of the President, despite the blanket authority over methods of selection conferred upon him by the statutes, to substitute for the examination by a board of officers of the service an examination by the Civil Service Commission or any other organization; but there is nothing in this act that would prohibit him from establishing such a system of examination in addition to, and either before or after, the examination by the board of the service. He could moreover require such examination, and indeed even the statutory examination, to be an open competitive examination.

Prospective candidates for examination submit through the Surgeon General, on a blank form provided, a statement of training and experience and on the basis of this, designation for examination is either made or withheld. Those designated for examination are subjected to both an oral and written examination, conducted by a board composed of medical officers of the service.

The present practice is to designate for examination virtually all applicants, only those manifestly unfit being denied

[1] This applies only to the permanent commissioned medical officers of the service. Temporary non-commissioned officers are frequently appointed under the title of "acting assistant surgeon." These positions fall in the competitive classified service, and selection for appointment to them is by the regular system of competitive examination conducted by the Civil Service Commission. There is also in the Public Health Service a scientific personnel, which is appointed after certification by the Civil Service Commission.

[2] Act of January 4, 1889, 25 Stat. 639.

entrance to the examination. Moreover, while there is no absolute rule, the relative order of rating established by the examination is in general the order in which the candidates are recommended to the President for nomination. The system may be thus described as one of informal open competitive examination, the principle of open competition being given full recognition without being formally established. The question whether this informal system of open competition should give way to one in which the principle of open competition is formally recognized is thus one which has only a secondary importance from a practical standpoint. On general principles, however, the change is to be recommended as tending to insure a fuller confidence on the part of the public in the fairness of the examination process.

A similar position may be taken with respect to the participation of the Civil Service Commission in the process of examination. At the present time, as indicated, it has absolutely no connection with these examinations. Doubtless its participation would do little if anything to improve the caliber of those recruited by the examination, or to make the examinations more economical or more satisfactory from a technical standpoint, but like the conversion of the system to one of open competition rather than of non-competitive designation and selection, it would place upon the whole system of selection much more publicly and definitively the stamp of impartiality.

CHAPTER XIII

THE MAINTENANCE OF INDIVIDUAL EFFICIENCY

The preceding group of chapters have concerned themselves primarily with the problem of filling a given position with the most capable person available. It is to this general problem, that of selection, that discussion of the personnel problem is usually confined. To the equally important problem of how to engage the interest and zeal of the employee when selected, or, failing that, how to secure his elimination from the service, public attention is seldom directed.

The prospect of promotion, or even of assignment to more agreeable or more promising duties, as a reward for faithful service, is, of course, in itself a valuable stimulus to such service; and, in the chapters dealing with promotion and assignment methods, the need of emphasizing this phase of the promotion or assignment process in devising those methods was insisted upon. These alone, however, are not sufficient. They must be supplemented by other efforts having for their purpose to appeal directly to the self-interest of the employee, and to build up a morale or *esprit de corps* in the service as a whole.

The extent to which such other efforts are made, aside from the enlargement of the opportunity for advancement, to reward the individual employee in proportion to his faithfulness and his results will determine perhaps more than any other single element or group of elements the net efficiency of the service. The importance to the whole problem of personnel administration of the inquiry to which the present chapter is devoted, therefore, can hardly be overstated. Hand in hand with methods for rewarding zeal and efficiency must go methods for penalizing slothfulness, incompetence or miscon-

duct, and, where necessary, for eliminating altogether from the service those who do not prove amenable to any milder measures.

Methods of reward or punishment fall chiefly under two heads—those affecting the compensation of the employee without necessarily affecting his status or position, and those affecting his status or position, whether as respects promotion, assignment, lay-off, reduction, or dismissal. Manifestly it is in the field of compensation that the most direct and positive stimulus to zeal and effort is to be found.

Records as a Means of Promoting Individual Efficiency.—At the forefront of administrative measures having for their purpose the stimulation of individual effort is establishing in the minds of employees the fact that their work is under constant scrutiny and that the extent to which they render good or bad service will be brought to the attention of their superior officers. The maintenance of efficiency records thus has a value beyond that of furnishing information upon which promotions will be partly based.

In the discussion of the place of efficiency records in promotion, the position was taken that, invaluable as such records might be in assisting or qualifying the judgment of administrative officers in making selection for promotion, they could not ordinarily be safely relied upon as a mechanical or automatic method of making such selection, or even as a major factor entering into any other mechanical or automatic method. In connection with most of the matters forming the subject of the present chapter, however, no such difficult selective function is required of the efficiency record. It is sufficient that the record be of the more simple character suggested as suitable for use merely as a basis for action on promotions, though the record may be given much greater, and in some cases, controlling influence. Again, in the interests of uniformity, as between the several branches of a department, or bureau, it is desirable that the records should all be reviewed by a central board composed of representatives of the several branches; but such review need merely seek to effect the observance by all

officers charged with making entries on efficiency records of a consistent and uniform practice and standard, rather than, as in the case of promotion records to which controlling influence is given, to revise individual ratings.

Piece Work as a Means of Promoting Individual Efficiency.—The most obvious methods of rewarding efficiency through compensation are those of piece-work rates and bonuses, or combinations of both methods. These methods, of course, are adapted peculiarly, if not solely, to industrial production. Their limitations as applied to governmental operations are obvious; nevertheless the field over which the method is already applied is larger than is commonly appreciated, as is also the area of possible extension. Piece-work rates are already employed in the arsenals and the naval ordnance factories in the operations in those establishments which are capable of being computed on such a basis. In the printing of the paper currency, too, piece-work rates are largely employed. The largest unoccupied field for the application of this principle at the present time would seem to be in certain of the clerical organizations in the departments at Washington, where the work is of a routine, standardized nature and the quantity of output can be accurately measured. During the war, when administrative methods were largely in the hands of men without previous government experience, and when compensation matters were left to administrative discretion to an unusual extent, this method was applied, indeed, in several cases to clerical work in Washington, and with excellent results.

Periodic Salary Increases as a Means of Promoting Individual Efficiency.—For far the greater part of the federal service, however, no method based on exact measurement of the quantity of work produced is possible. For those employments to which the methods of piece-work rates or bonuses are not applicable, comprising far the greater number of positions in the federal service, the cognate method of rewarding effort and efficiency is that of increasing the compensation rate. The distinction between a mere increase in

compensation and a promotion or a reassignment to new duties has been drawn already. The method of increasing compensation rates encountered in most small organizations is that of giving consideration, usually at stated intervals, to the possibility, in view of the financial conditions of the organization, of increasing the compensation of such of the employees as seem deserving. The obvious difficulty with this method of determining salary increases is its uncertainty to the employee. There is no fixed standard by which he may know in advance whether or not he is earning an increase. Moreover, the standard is not merely undefined but it may, and almost invariably does, vary from time to time, so that inequality in rates between those doing substantially the same work and with substantially the same efficiency results. In their reaction from the situation produced by this method of handling the problem some large organizations have gone to the opposite extreme and adopted the policy of "automatic" increases of salary. Under this plan, a range of rates is fixed for each position or grade of work, the rates increasing by rather small increments, at fixed periods. As many as five or six different rates are thus provided for the same position or grade, seldom more. The result is a system under which the employee may remain for a considerable period without promotion and yet be continually automatically advancing in compensation through the period.

The theory upon which this method of increasing compensation is defended is that it may be assumed that any employee who performs his work sufficiently satisfactorily to escape dismissal or reduction necessarily increases in his value to the organization with length of service, or within the limits of the period mentioned, even though his duties remain unchanged. In the large, this is doubtlessly true. There is, however, a considerable proportion of cases in which this is not so. The method is thus open to the serious criticism that it is of no value in spurring on the individual to increased effort. Another ground on which the system of wholly automatic salary increases is defended is that, regardless of the actual

increase in the value of the employee's services with increasing length of service, the method is of value in that it makes for a more contented frame of mind on the part of most of the employees than does a flat rate.

Between the two extremes of the system in which each salary increase is regarded as an original question and one in which salary increases are automatic and subject to no question, lies what might be termed a semi-automatic system. In this, while the regular award of the periodic increase is regarded as the normal condition, a measure of discretion is imposed on the administrative superiors of the employee in withholding the award of the increase under certain defined conditions; and perhaps also of awarding increases at other than the regular periods or in amounts greater than the regular amounts for superior efficiency, also under defined conditions. This system preserves substantially all the value inherent in a system of automatic increases and yet permits the salary increases to be used as a means for maintaining and spurring on individual efficiency.

For the success of such a system it is necessary that a normal or reasonable standard of efficiency be first defined, a failure to attain which during the period fixed will result in the withholding of the employee's increase for that period, and that means be provided for determining in the case of each employee whether this standard has, or has not, been attained.

It may be urged that such a regulation is illogical in that an employee who does not show such proficiency should be dismissed out of hand. It is hard to meet this attack on a theoretical basis; but for practical purposes it is sufficient to say that the cold-blooded application of a canon so seemingly just is not workable in any personnel system and certainly not in the federal service. In a subsequent section suggestions are made looking to the strengthening of the service generally through lessening the difficulty standing in the way of administrative officers in removing or demoting the inefficient. But even were the condition to which these suggestions look

realized, there would still remain a twilight zone in which the inefficiency of the employee would not be sufficiently glaring to impel the administrative officers to act. It is in this class of cases that the method of withholding annual or other periodic increments from the sub-standard employee finds its proper application.

It is not easy to characterize the present situation in the federal service with respect to the application of the several methods of awarding the increases in compensation just traced. The wholly automatic method is to be found in only two services—the Public Health Service and the Coast and Geodetic Survey—and the system here is not precisely that above outlined as the automatic system, being based upon the army system of "longevity" pay. Under this system, 10 per cent is added to the "base pay" of the grade occupied by the officer for each five years of service, counting from his entrance into the service, and regardless of his length of service in the grade. A maximum of 40 per cent increase, attained at the end of 20 years' service is fixed; and certain maximum salaries, less than would be reached under the 40 per cent maximum, are fixed for the higher grade.[1] This system of "longevity" applies only to the commissioned medical officers.

The regulations of the Public Health Service approved August 29, 1920, provide for longevity pay for the non-com-

[1] These maximum salaries are as follows:

	Base Pay	Maximum Base and Longevity Pay	Maximum Longevity Increase
Surgeons and Lieut. Commanders	$3,000	$4,000	$1,000—33⅓%
Senior Surgeons and Commanders	$3,500	$4,500	$1,000—28.5%
Assistant Surgeons General and Captains	$4,000	$5,000	$1,000—25%

These officers were granted temporary increased pay until June 30, 1922, by the Act of May 18, 1920 (41 Stat. 601), but this increase was a fixed sum for each grade and does alter the base pay and maximum base and longevity pay.

missioned employees known as the scientific personnel and for administrative assistants. The Sundry Civil Act for the fiscal year 1922, approved March 4, 1921,[1] under the heading Bureau of War Risk Insurance prohibits the use of any "money hereby appropriated" for longevity pay to "any employee other than the commissioned medical officers provided for by statute." While technically this legislation would probably apply only to employees paid from funds transferred to the Public Health Service by the Bureau of War Risk Insurance,[2] it is likely that it was the intention of the framers of the law to have it apply to all persons in the Public Health Service. Moreover there would be great administrative difficulty in allowing longevity pay to persons paid from one appropriation and denying it to those doing similar work and paid from another appropriation. The amended regulations covering this situation had not been issued as this report goes to press.

In the Coast and Geodetic Survey the act of May 18, 1920,[3] provides that commissioned officers of that organization should receive the same pay and allowances, including longevity as officers in the Navy with whom they hold relative rank.[4]

Semi-automatic systems of salary increases are found in the postal service with respect to postal clerks and railway mail clerks. The law here places a considerable discretion in the hands of the Postmaster General. The salary of postal clerks, assistant superintendents of delivery, mails, money order, registry, stations, etc., are all graded, the difference

[1] 41 Stat. 1374.
[2] Charged to Veterans' Bureau by Act of August 9, 1921.
[3] 41 Stat. 603.
[4] The Act of May 22, 1917 (40 Stat. 84) provides that officers in the Coast and Geodetic Survey designated assistants and receiving more than $2000 per annum should be appointed hydrographic and geodetic engineers, that officers designated assistants and receiving between $1200 and $2000 should be appointed junior hydrographic and geodetic engineers, and that officers designated as aides should be appointed aides. The Act further provides that the Coast and Geodetic Survey may be transferred to the Army or Navy during a time of national emergency and prescribes the rank of commissioned officers at various salaries when serving with the Army and Navy. The Act of May 18, 1920 (41 Stat. 603) provided that the commissioned officers of the Coast and Geodetic Survey should thereafter receive the pay and allowances of officers of the Navy with whom they hold relative rank as prescribed in the Act of May 22, 1917.

between each grade and the next being usually $100, though in the higher positions $100 differences alternate with $200 and, in a few cases, even with $300 and $400 increases.[1] The law provides that promotions shall be made annually, and that "no promotion shall be made except upon evidence satisfactory to the Post Office Department of the efficiency and faithfulness of the employee during the preceding year," and that "the Post Office Department may reduce a clerk from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for purposes of discipline." When a clerk or carrier has been reduced in salary he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, on evidence that his record has been satisfactory during the intervening period. When a clerk or carrier fails of promotion because of unsatisfactory service he may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. Clerks and carriers of the highest grade in their respective offices shall be eligible for promotion to the higher positions in said post offices.[2] In the railway mail service, in addition to a similar classification, it was specifically provided by act of 1912 [3] that "clerks in Class A shall be promoted successively to Class B, and clerks in Class B shall be promoted to Class C," and the restriction is imposed upon making any other advances in grade by the Postmaster General that "in filling positions below that of chief clerk no clerk shall be advanced more than one grade in a period of a year." In passing upon the efficiency of the several employees for the purpose of withholding the increases from those who have not attained a fair standard of "efficiency and faithfulness" the Department does not rely entirely upon the record of actual performance of the employee during the

[1] Typical gradings are assistant superintendent of delivery, $1,200, $1,300, $1,400, $1,500, $1,600, $1,700, $1,800, $2,000, $2,400: superintendent of carriers, $1,000, $1,100, $1,200, $1,300, $1,400, $1,500, $1,600, $1,700, $1,800, $2,100, $2,500.

[2] Act of March 2, 1907, 34 Stat. 1206.

[3] Act of August 24, 1912, 37 Stat. 556.

preceding year but subjects certain classes of employees to periodical tests of efficiency (particularly tests in speed and accuracy in sorting and classifying mail) by the results of which the efficiency rating upon which the salary increase is made is largely determined.

A factor which helps to make possible the enforcement in the postal service of an impersonal standard of efficiency is the enormous size of the organization. The formulation of a policy of this kind is in the hands of officers far removed from contact with the personnel actually affected by it, and indeed equally far removed from the subordinate administrative officers who are commanded to carry out the policy, and who are thus impelled by and may plead the superior force of a higher and unappeasable authority. Still another element in the Post Office situation of which account must be taken is that the work is of a standardized nature, so that individual inefficiency is very clearly and unmistakably discernible.

Aside from the postal service, the only other branch of the service in which a semi-automatic system of salary increases prevails is that of the assistant examiners of the Patent Office, of whom there are now 380 allowed by law. These are in four grades, receiving compensation rates of $2,400, $2,100, $1,800 and $1,500 respectively. The number of positions in each grade is the same and is fixed by law. It is thus not possible for an automatic system of advancement from one grade to the next at regular periods to be applied. Advancement can be had only when a vacancy occurs in the higher grade; and, when such vacancy occurs, the advancement of one of the examiners in the lower grade to the higher grade is invariable, the selection being determined by a rating which is the resultant of the factors of previous efficiency, length of service, and the rating received on a competitive examination open to all members of the grade. The precise way in which these three factors are combined is of less interest than the fact that the examination is not necessarily related to the precise technical subject matter of the examiner's duties, since this is usually different for each one, but rather to patent prac-

tice and law generally, so that it furnishes no proper test of the efficiency in the past of the several examiners.

It might be thought that this system is not a system of salary increases but rather of promotions, inasmuch as an examiner receiving $2,400, is presumably doing a higher grade of work than is the examiner receiving only $1,500. This is manifestly so, but the system is nevertheless one of salary increases for the reason that the four salary rates do not correspond to any clearly defined differences in duty or in the difficulty of the work assigned. This is conclusively demonstrated by the fact that an examiner may wait for years for a vacancy in the higher grade, all the time doing a given class of work which may in fact be as high as that performed by some or many of the examiners in the next grade. The performance of the duties does not in and of itself carry the higher compensation, and when an examiner advances from one grade to the next there may not be either then or subsequently any change in his duties. Indeed, even when rated in Grade 3, certainly in Grade 2, he may be performing duties as difficult and responsible as it is possible for an assistant examiner even of Grade 1 to perform.

Over the remainder of the federal service no general system of salary increases, whether automatic or semi-automatic, is in existence. Over all the enormous clerical, technical, and specialized employments, outside the areas already mentioned, the question of compensation increases is, in almost all cases, still handled in the unsystematic primitive manner which has been described above as being characteristic of small and struggling organizations. With respect to statutory positions, as has already been pointed out, increases can be made only when Congress, or rather the appropriations committee, permits. Within the area where administrative officers have discretion in the fixing of compensation rates, it cannot be said that much progress has been made toward the development of an ordered system of increases. These officers are, needless to say, in the absence of Congressional coöperation or authority, under grave disadvantages in attempting to develop any

such methods. In most services, the establishment of such a system will involve, for a period, an increase in the size of the payroll and consequently in the size of the appropriation required. Not only has Congress not authorized any such program, but it has definitely prohibited it by the enactment in 1912 of the act already referred to,[1] providing that "no part of the money appropriated in lump sum shall be available for the payment of personal service at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year."

Recommendation of the Reclassification Commission Regarding Salary Increases.—In considering this phase of the personnel problem it is important to note that no satisfactory system of salary increases, whether automatic or based upon determined efficiency, can be established, until the whole problem of classification and standardization of positions and salaries has been solved. The pending reclassification of the service at Washington, and the hoped-for extension of the reclassification to the field services, will make possible the institution of the automatic increase in many branches of the service in which, up to the present, it has been almost a technical impossibility, even in the absence of financial limitations.

The recommendations of the Reclassification Commission with respect to salary increases within grades in the Washington service are summarized in the following quotations from its report:

> The Commission recommends that hereafter appointments to positions in the Washington service be made at the minimum rates provided by the schedules of compensation applying to the respective classes of positions; that the compensation of an employee in no case be increased beyond the maximum prescribed for his position, and that periodical increases in the rates of compensation of employees within the ranges prescribed for their respective positions be made from rate to rate as set forth in the respective schedules, upon recommendation

[1] Act of August 26, 1912 (37 Stat. 626) as amended by act of March 4, 1913 (37 Stat. 790).

by the head of the department, bureau, or independent establishment, approved by the Classification Agency, such approval to be based on the evidence of current efficiency records or such other testimony as the Classification Agency may require to the effect that the employee has rendered service of a satisfactory standard and has increased his usefulness to the Government since the date of his last advance in pay. In the case of schedules where no intermediate rates are prescribed, the Commission recommends that the time of increases in pay and the amounts of such increases be based on the recommendation of the department head, the approval of the Classification Agency also to be required in each case.[1]

The Commission believes that the classification which it is recommending will not only bring about a standardization of duties and compensation, but will make possible the application of a progressive policy in the advancement of employees which will put new life and efficiency into the entire service. In nearly all of the classes, suggested minimum, maximum and intermediate rates of compensation are provided. It is the belief of the Commission that an employee on entering any class should be paid the minimum rate prescribed for that class, and should be advanced through the intermediate rates to the maximum only on the basis of demonstrated efficiency. Furthermore, the Commission believes that with successive salary advancements, the standard of required efficiency should be increased so as to enable only the most efficient employees to secure the maximum rate. Thus, if four rates of pay were provided for a given class, an efficiency rating of 80 per cent might be required for advancement from the minimum to the next higher rate, 85 per cent to the next higher, and 90 per cent to the maximum. Failure on the part of any employee to maintain the standard of efficiency set for the rate being paid should be followed by his reduction to a lower salary rate in the same class the rate to be determined by his efficiency rating; while failure at any time to maintain a minimum standard of efficiency as prescribed by the Civil Service Commission, should be followed by dismissal.[2]

It will be noted that the Reclassification Commission proposes that the Civil Service Commission shall be satisfied, in each case, that an employee has reached the required standard

[1] Report of the Reclassification Commission, Part I, p. 71.
[2] *Ibid.*, p. 123.

of efficiency before increase of compensation is granted. The Reclassification Commission does not make any suggestions as to how this responsibility is to be discharged. It would seem that the most that the Commission could do would be to exercise a general supervision over the procedure and the standards enforced in the several departments in the maintenance of efficiency records; and that the question as to whether any particular individual had or had not attained the required standard of efficiency, would have to be determined by the efficiency record established by the department.

Liability to Demotion and Dismissal as a Means of Promoting Individual Efficiency.—From the negative side the most important means for insuring individual efficiency lies in the possession by those in authority of the power to demote or dismiss those employees who do not perform their work satisfactorily. This means of control is effective, however, only if it is rigidly exercised when circumstances warrant. In private undertakings for gain few difficulties lie in the way of such exercise. Not only does the profit element constitute a strong incentive to its use, but those upon whom responsibility for action rests as a rule do not have to secure the approval of any superior authority and only rarely have to justify their action. In a government conditions are radically different. Not only is the profit element usually absent, but those directly in charge of operations are rarely free to act, due to the fact that superior sanction must often be obtained.

It results from this that it is exceedingly difficult to secure from public administration anything like the exercise of the power of demotion or dismissal that conditions in the several services more than warrant. It is open knowledge that many employees who are notoriously incompetent and inefficient are retained on the rolls, though the character of their work is well known by those in charge of them.

One of the changes urgently needed in the federal service, therefore, is the taking of those steps which will tend to insure a more vigorous exercise of the disciplinary power.

The problem is one that must be attacked from a number of standpoints. One of the factors militating against a proper use of this power at the present time, consists in the fact that in the federal service the power of removal is vested, for the most part, in the head of the department rather than in the bureau chief. Since the conditions and necessities of the public service are not those that, in any case, make for a firm exercise of the removal power, the investment of the head of the department rather than the bureau head with the final legal authority for removal constitutes a division of responsibility which still further lessens the probability that the power will be vigorously exercised. The situation is well illustrated in the case of a local employee who is appointed by the head of the department. The final responsibility for his removal rests not on the local chief nor yet upon the chief of the bureau at Washington, but upon the secretary of the department. Thus the local chief and the chief of the bureau are each in turn relieved of the necessity for final action and may shift that responsibility to their superiors. The net result is a system of circumlocution and delay in handling questions of reduction and removal which is one of the distinguishing defects of the federal personnel system.

To all these factors making for a lack of firmness and vigor in the exercise of the power of removal and reduction is added the intervention of political or personal influence on behalf of the employee affected. It is here that Congressional influence is invoked particularly with a regularity not found with respect to any other phase of personnel administration. While some Congressmen are able to resist the importunities of their constituents who seek appointment, promotion, transfer, or the like, it is rarely indeed that a Congressman will not interest himself seriously in the case of a constituent who has been dismissed or reduced or is threatened with dismissal or reduction. Instances are not unknown in which the entire Congressional delegation (both Senate and House) from a State has intervened personally on behalf of a dismissed employee. Against this form of intervention it is

difficult to provide in the removal procedure itself. The remedy here lies, as has been urged in the chapter dealing with political interference, in positive and express statutory prohibition against such interference.

A device that has been found highly useful in some jurisdictions has been that of vesting the power of removal over subordinate employees, concurrently with the power possessed by the administrative officer, in the Civil Service Commission or other central personnel agency, such power to be exercised, however, only upon the complaint of a citizen. Under this procedure any citizen having cause of complaint against an employee may file such complaint, if he choose, with the central personnel agency instead of with the administrative superior of the employee, and that agency may proceed to investigate the case and to remove, reduce, suspend, or otherwise discipline the employee. Testimony seems to be unanimous that this procedure has been found very useful whenever it has been employed.

It is clear that this method is applicable only to the relatively small portion of the personnel that comes into contact with the public in some way. The proportion of employees to whom it would apply is probably smaller in the federal service than in most of the municipal jurisdictions in which it has been applied. Nevertheless there are large areas of the federal service to which it would be applicable, and it is difficult to think of any reason why it should not be applied to them, at least experimentally.

Finally it should be noted that whatever reluctance is now found among administrative officers to exercise vigorously the power of removal and reduction is not due to any statutory limitation on, or impediment to, the exercise of that power. There is a notion abroad—and it might be remarked that the same erroneous impression prevails with respect to the civil service laws of most jurisdictions—that existing statutory provisions place clear restrictions upon the power of the administrative officer in dismissal and reduction. Nothing could be further from the truth. As will appear directly, the

power of the administrative officer to dismiss and reduce an employee is, throughout the service, for practical purposes, as untrammeled as is that of the ordinary business executive, except in so far as the power is located at a higher level in the organization than is common in business organizations, a point to which reference has been made already.

Existing Law and Regulations Governing Dismissals.— The civil service law itself makes no requirement as to the procedure to be followed in removal. Indeed the only mention which it makes of the matter of removal is in connection with political assessments. It forbids any "officer or employee of the United States mentioned in this act," that is, a Senator, Representative, territorial delegate of the Congress, or Senator-, Representative- or delegate-elect, or any officer or employee of either House, or any executive, judicial, military, or naval officers of the United States, or any clerk or employee in any department, branch, or bureau of the executive, judicial, military, or naval services of the United States, to "discharge, promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose." [1]

The civil service rules carry this prohibition somewhat further. Thus the revision of the rules promulgated May 6, 1896, provided that

> No person in the executive civil service shall dismiss or cause to be dismissed, or make any attempt to procure the dismissal of, or in any manner change the official rank or compensation of, any other person therein because of his political or religious opinions or affiliations.

And the present rules provide that

> In making removals or reductions, and in other punishment, like penalties shall be imposed for like offenses, and no discrimination shall be exercised for political or religious reasons.

[1] Section 13, now embodied in Section 120, Criminal Code.

In 1897 there was added to the rules for the first time a provision specifying a procedure to be followed in making removals.[1] This provision which, unlike the merely directory provison above cited, applied only to the removals from competitive positions, called for the reasons for removal to be given in writing, together with notice and opportunity for answer and the entry of the whole on the official records.[2]

This provision remained in force only a few years. In 1905 the requirement of notice, reasons in writing, and opportunity to answer was limited to cases in which the removal was made by an officer subordinate to the head of the department.[3] The change was made by President Roosevelt as the result of his witnessing an act of misconduct by an employee which he regarded as so gross as not to merit even the rather slight protective procedure required by the rules.[4]

In 1912 the procedure required by the rule of 1897 was again restored, with the additional provision that copy of the records of the case should be furnished to the Civil Service Commission on request. In the same year, substantially the wording of the rule was enacted into law by Congress. The

[1] Three years before (on June 28, 1894), Postmaster General W. S. Bissell had issued a similar order covering the removal of carriers in free delivery offices.

[2] This provision, promulgated July 27, 1897, as Section 8 of Rule 2 reads as follows: "No removal shall be made from the competitive classified service except for just cause and for reasons given in writing; and the person sought to be removed shall have notice and be furnished a copy of such reasons, and be allowed a reasonable time for personally answering the same in writing. Copy of such reasons, notice, and answer and of the order of removal shall be made a part of the records of the proper Department or office."

By a "declaration of the meaning" of this section officially promulgated by President Roosevelt in 1902, it was declared "that the term 'just cause,' as used in section 8, Civil Service Rule II, is intended to mean any cause, other than one merely political or religious, which will promote the efficiency of the service; and nothing contained in said rule shall be construed to require the examination of witnesses or any trial or hearing except in the discretion of the officer making the removal."

Subsequently the Commission held that three days would satisfy the requirement of a "reasonable time" for the employee to answer.

[3] This rule referred to removal by the President in the same terms as removal by the head of a department, but there has never been any competitive position to which appointment, and hence removal, has been made by the President.

[4] Foulke, *Fighting the Spoilsmen*, p. 174.

wording of this provision, which appears in the act of August 24, 1912,[1] is as follows:

That no person in the classified service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same: . . .

It will be noted that this provision applies to persons in "the classified service," whereas the rules which preceded this statute referred only to persons in "the competitive classified service." It was shortly held, however, by the Attorney General that the statute did not embrace any wider class than did the former rules, that "the term 'classified civil service,' in section 6 of the act of August 24, 1912, was used in the more popular sense of the competitive service; and, therefore, should not be held to include excepted positions, unless such positions have been filled as competitive positions are filled, in which event, under Rule II, paragraph 3, of the Civil Service Rules, the person appointed is entitled to all the rights of a competitive employee. (30 Opinions Attorney General, 181.)"

The wording of this statute merits close attention, especially in view of the erroneous notion not infrequently encountered that the law requires a formal trial, involving a more or less judicial procedure. It calls for no taking of testimony nor does it set up any requirement as to the sufficiency of the

[1] 37 Stat. 555.

evidence upon which removal is made. It affords the employee no protection against removal other than the moral security which he derives from the fact that an administrative officer will hesitate before committing to the departmental records an unfounded charge against an employee.[1] It may be said with entire accuracy, therefore, that the law in its present state offers no obstacle to the removal of an employee for inefficiency and that responsibility for failure to make such removal or reduction, where there has been such failure, rests wholly upon the administrative officer.

In those branches of the unclassified service, other than laborers, to which formal systems of selection have been extended there are found at present no restrictions upon removal. Since appointment in all these cases is in the hands of the President and removal is, therefore, likewise in his hands, none of the restrictions, whether of the civil service act or of the rules prohibiting removal for political or religious reasons, apply.[2] The protection against removal in these services, therefore, is wholly moral and traditional. Up to the present time there has been no evidence that this protection is insufficient and it would seem superfluous to attempt to suggest any change on this point. It is worth noting that the committee on the foreign service of the National Civil Service Reform League made no suggestion on this head in its recent report.

The situation in the presidential postmasterships varies from that in the foreign service and in the Public Health

[1] The popular misconception as to the effect of this statute sometimes is so extreme that it is thought that the employee has the right to invoke a judicial review of the action of the administrative officer in removing him. There is absolutely no warrant for this belief. Should the administrative officer choose to make a wholly unfounded charge against an employee and remove him on the basis of such charge, even if the employee's reply to such charge, filed before removal, were ever so conclusive, there is no way whatever in which the action of the officer may be submitted to a judicial review (or even to the review of any superior administrative authority—unless provision for such review is made by the department itself).

[2] It will be recalled that the officers enumerated in the civil service act who are prohibited from promoting, reducing, or dismissing employees because of giving or refusing political contributions, does not include the President, and as already suggested, it is questionable whether it would be constitutional for Congress to impose such a restriction upon the President.

Service in that there is a statutory term of four years at the end of which the department (through recommendation to the President) may remove, in effect, by failing to reappoint. The abolition of the four-year term has been urged already.

With respect to unskilled laborers, the moral mandate of the civil service law and rules applies, but the statute of 1912 does not. Procedure designed to safeguard against abuse of the removal power is confined to that provided by the regulations for federal offices outside of Washington. The regulation on this point is as follows:

Sec. 1. No laborer shall be removed except for such cause as, in the judgment of the head of the office, will promote the efficiency of the service, and no trial or hearing shall be required except at the discretion of the officer making the removal.

Sec. 2. The reasons for any removal shall be made of record in the office in which the person is serving, and shall be open to the inspection of the board and the commission.

It will be observed that this provision does not, like the provision in the classified service, require notice to the employee or an opportunity for making answer, but merely requires that the reasons for removal shall be made of record.

Whether or not the regulations just quoted furnish as full a measure of protection against the improper removal of laborers as might be desirable, there seems no reason why they should not be applied to the entire labor service. Certainly there is no reason for exempting Washington, where laborers are employed under competitive methods, from the meager requirement that the reasons for removal shall be made of record, and it is difficult to see why even those cities to which the regulations for competitive selection have not yet been applied should be excepted from this requirement.

In considering whether in this state of law, an adequate degree of protection is afforded to the employee against removal for political or personal reasons, it would be futile to attempt to formulate a theoretical standard for judgment.

Under ideal conditions there would be no temptation or inclination on the part of the administrative officer to abuse his power. What is required is a shaping of the procedure that will guard effectively against the actual danger of unjust removal as it is now found in the federal service. Viewed from the standpoint of the service as a whole, embracing in that term the individual employees, it is far better that the power of removal and reduction be vigorously exercised, even if occasionally an employee is dismissed or reduced in a doubtful case. If the procedure prevents flagrant abuse of the power of removal and reduction, it is sufficient.

Where the chief administrative officers are political, and where political, and particularly Congressional, intervention is permitted, it is impossible to safeguard the removal procedure absolutely against political removals without unduly restricting the administrative officer. When the administrative officers are selected on a merit basis, political intervention effectively checked, and political activity by employees prohibited, there will be for practical purposes no danger of political removals and reductions to guard against. In point of fact, the danger of political removals has been very largely eliminated already in the federal service. In part this is due to legal, in part to purely moral or traditional, factors.

In the competitive service, moreover, ample protection against purely political removal lies in the fact that the superior has little or no choice in the selection of the successor of the dismissed employee. The same is true, though perhaps less unqualifiedly, in the case of laborers. It is still more true in the case of presidential postmasters, because selection, under the present order, is ordinarily restricted to the highest eligible.[1] In the case of the foreign service and of the Public Health Service this factor is not present, but the tradition of permanence and non-partisanship is already so highly developed in those services that the removal of one in the service merely to make a vacancy is hardly within the bounds of possibility.

[1] President Harding's new Order of May 10, 1921, permits the Postmaster General to select from the three highest.

In short, it may be said that, while political removals may still occur in rare instances, the danger of such removal is too slight to call for any severe additional restriction upon the removal power of administrative officers, a power which, as already seen, has been in the virtual absence of restriction, all too feebly and infrequently exercised.

With respect to the need for protection against removal merely for reasons of personal dislike, the question is perhaps a little more debatable. Doubtless an instance in which a thoroughly competent employee would be removed for such a cause is virtually unknown; but there are always a certain number of border-line cases in which the justice of removal for inefficiency is an open question, and here the personal likes and dislikes of the administrative officer may find some field for play. Nevertheless, even here the danger appears so slight that it would seem better to continue to incur it rather than to furnish administrative officers with any material additional excuses for neglecting to make necessary removals or reductions.

In the postal service there has been brought into prominence a third improper cause for removal against which protection must be provided. This is removal for activity in employees' organizations. There is no rule in the postal service prohibiting this kind of activity, and indeed the statutes expressly recognize the right of postal employees to membership, and therefore, by implication, the right to hold office in and act as representative of, such organizations. Nevertheless, there has been a number of dismissals in the postal service of the officers of organizations of postal employees, and of their spokesmen before Congressional committees, on charges generally believed by the members of the organizations in question to have been trumped up.

Possible Machinery for Controlling Exercise of Power of Dismissal.—The practical devices which may be proposed for further restricting the power of removal vested in the heads of departments are not many. The most extreme that could be proposed would be that calling for a judicial review

of the facts from which any dismissal was based, such review to be obtained by the dismissed employee by the writ of certiorari.

Such a provision is now actually found in a few municipal jurisdictions with respect to their police and fire services, where it has been thought desirable to protect the honest policeman or fireman against the malevolence of grafting superiors. There is no branch in the federal service where such a restriction would be appropriate, and no suggestion that it should be applied has come to notice.

A method much less extreme than this, but still quite severe, would be a provision under which a removal ordered by the head of a department would be reviewable by a central bureau such as the Civil Service Commission. This proposal was actually made by the Reclassification Commission in its recent report. It is not clear whether the Commission intended that the review should be made by the central authority only upon the appeal of the employee dismissed or whether it intended that the consent of the Civil Service Commission or other central authority should be necessary in every case to make a removal effective.[1] The latter provision would be particularly drastic, and it is hardly believed that even the former is justified by the conditions now existing in the service. The furthest that such provision should go is the requirement that administrative officers file with the Civil Service Commission a statement of the reasons why employees are dismissed.

In some civil service jurisdictions the removal power has been removed entirely from the hands of the administrative

[1] At one point the Commission recommends "that employees who fail to attain a current standard of efficiency be removed from the service after suitable opportunity for appeal to the Commission" (Report, Part I, p. 125), so also "Dismissal should also be resorted to in cases of dishonesty, immorality, or other serious offense in accordance with the present provisions of law, but with the right of appeal on the part of the employee to the Civil Service Commission" (Report, Part I, p. 128). The proposed law submitted by the Commission for enactment reads, however, that "no employee shall be dismissed except in accordance with the act approved August 24, 1912, and unless such dismissal is approved by the Commission." (Report, Part I, p. 138.)

officers and vested in special trial boards, usually composed of the members of the Civil Service Commission and, in some cases, with employee representation. Under this procedure the administrative officer has no power other than to suspend the employee and file charges against him with the trial board, which then becomes the sole judge of the penalty to be inflicted, whether removal or a less penalty. The principal example of this type of provision in an important jurisdiction is that of Chicago. Opinions have differed very widely as to the wisdom of this provision, both in theory and as it has worked out actually in Chicago and elsewhere. It has been contended by the advocates of the system that it results in prompter and more general removal of the inefficient because it relieves the administrative officer of the burden of ordering such removals, putting him merely in the position of a complainant, while the onus of the final decision rests upon the trial board; and that this board is able to exercise its power fearlessly because it need not dread incurring the disfavor of the employees, since it does not require their future coöperation, as does the administrative officer, in order to succeed in its work. On the other hand, the opponents of the system condemn it as relieving the administrative officer of a responsibility which should squarely be his, of depriving the energetic and forceful administrator of the power of removal which he should have if he is to retain control of his department, and of furnishing the incompetent employee an elaborate protection against removal to which he is not entitled and which, on the contrary, redounds to the disadvantage of the service. The view upon the point last mentioned is based upon the belief, which it can hardly be doubted is supported by experience, that when a body is created, as in this case, nominally to deal out even handed justice but actually to protect the interests of the employee, almost invariably it tends to develop a bias in favor of the employee, so that the administrative officer who prefers charges against the employee is likely, when he appears before the board, to find himself actually in the position of a defendant, though nominally complainant.

The substance of the matter seems to be that the formal trial board is justified only when there exists a considerable degree of danger of political removals. As already indicated, it is not believed that such a situation now obtains in the federal service. Under these conditions the trial board system is not likely to have any such value as will compensate for the division of administrative responsibility which it entails and the weakening of the forces, already far too weak, which make for the prompt and determined removal of the inefficient. Furthermore, the object aimed at may be attained in a much more satisfactory manner by the organization in the several departments and bureaus of advisory boards made up of supervisory officers and employee representatives, to whom all but the most flagrant cases of inefficiency or misconduct should be referred for examination and recommendation before action by the head of the department or other officer vested with the power of removal. These boards should not act in a judicial capacity in the sense that the complaining officer would be required to appear before them to testify, for this would necessarily tend to weaken the desire of officers to act, even in cases clearly calling for action. The tribunal should sit rather in the capacity of an advisory and examining body, having before it the statement of the complaining officer, which would be not so much in the nature of a complaint as of a request for investigation. The body could then hear the employee and could make other informal investigation reaching a conclusion compounded of due regard for the interests of the service and the interests of the employee. The recommendation of such a body should have a purely advisory status, though it might be provided that the action of the board should be made a part of the *public* records of the department, and that a copy of the prcoeedings should be forwarded to the Civil Service Commission.

A procedure such as this, is especially desirable in the larger services in which the contact between the individual and the superior officer who exercises the power of removal or of recommendation for removal is so slight that it does not fur-

nish in or of itself any safeguard against arbitrary removal. The postal service is an outstanding example of such a service; and the absence of any formalized procedure for the exercising of the power of removal in this service has long been a source of complaint among its members. In the programs of the several postal employees' organizations are found demands for the creation in the several branches of the service of "Courts of Appeal." It is not clear whether these demands contemplate a central tribunal, outside the department, or departmental tribunals along the lines here urged.

It is by no means essential, either in theory or in practice, that, in the establishment of service tribunals of this kind, the subordinate employee should be given representation, and there are practical difficulties in the way of giving them such representation. Nevertheless it is believed that if the functions of these tribunals are confined within the limits above suggested, no impairment of the responsibility of the administration can result from such representation while, on the other hand, its effect upon the morale of the subordinate personnel is likely to be very beneficial.

It is unfortunate that figures showing the number of dismissals or reductions for inefficiency or misconduct are not available. The departments are not required to report such action to the Commission or to any central agency and they do not publish such data in their own reports. It would seem desirable that the civil service rules, which now merely follow the statute in providing that the Civil Service Commission, upon request, shall be furnished copies of the reasons for removal, should require that notice be sent to it of every removal and also every reduction, together with a copy of the reasons therefor. Upon the basis of such reports the Commission might then make a study of the exercise of the removal power under present statutory provisions with a view to recommendation for changes, should any be called for.

In 1890 Congress imposed upon the heads of the several executive departments the duty "to report to Congress each year in the annual estimates the number of employees in each

bureau and office, and the salaries of each, who are below a fair standard of efficiency." [1] This statute, it will be observed, does not require that those below a fair standard of efficiency shall be removed from the service, but it is doubtless equivalent to a moral mandate.[2] Furthermore, it makes no distinction between employees whose inefficiency is due to age or physical infirmity and those inefficient for other reasons.

In the reports submitted pursuant to the statute just referred to for the year ended June 30, 1919,[3] the Secretary of State categorically states "that there are no employees in the Department of State below a fair average of efficiency," and the Chairmen of the Federal Trade Commission and of the Federal Board for Vocational Education, the only independent establishment which filed reports pursuant to the statute that year, are equally positive. The Secretary of the Treasury somewhat more modestly submits a statement from the chief clerk of the Department to the effect that the following offices, and the list embraces all the offices of the Department, "report that there are no employees therein who are below a fair standard of efficiency." Similarly, the Secretary of the Navy reports that "my information is that there are no employees in this Department below a fair standard of efficiency," and the Postmaster General states that "based on efficiency ratings, there are no employees of this Department who are below a fair standard within the meaning of the act." The Attorney General states that "it is reported that there are no employees in this Department, so far as officially informed, who are below a fair standard of efficiency." Each of the remaining executive departments reports several employees as being below a fair standard of efficiency. The War Department stated

[1] Act of July 11, 1890, Section 2, 26 Stat. 228.

[2] In 1912, in providing for the establishment of a system of efficiency records, to which more extended reference has been made in connection with promotion methods, Congress provided that "such system . . . shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency (Act of August 23, 1912, 37 Stat. 413).

[3] Found in Estimates of Appropriations Required for the Service of the Fiscal Year ending June 30, 1921, pp. 1040 ff.

that in each of the cases reported by it "a reduction in grade is contemplated." None of the other departments indicated what action it proposed to be taken in the cases reported by them. It is evident that the departments have not taken this requirement seriously, and that no good is accomplished by it.

The questions involved in the formulation of a satisfactory procedure for the reduction to a lower position of an employee who has proved himself incompetent are not different in any essential respect from those involved in the problem of dismissal. The difference is one of degree, reduction being a so much less severe punishment than dismissal that there is correspondingly less need or justification for restricting the discretion of the administrative officer.

Power to Suspend as a Means of Promoting Individual Efficiency.—The power of suspension of an employee pending action on the question of his removal or reduction is one which is indispensable to effective administration. The only safeguard which should be imposed on the exercise of this power is a provision limiting the period of suspension so as to compel a decision to be made promptly. Suspension may be employed also, however, as a method of punishment in and of itself when there is no intention to inflict removal or reduction. In the latter case, of course, there should also be a limitation on the length of time for which suspension may be ordered, since suspension for too long a period may be tantamount to a removal, but the period may be measurably longer than in the first case without being excessive.

The civil service rules provide that "a person may be suspended for a period not to exceed ninety (90) days . . . the period of suspension may be extended beyond ninety (90) days with the prior consent of the Commission." [1] These time limitations apply regardless of the purpose of the suspension. It is believed that 90 days is an excessive period of suspension if the suspension contemplates the possible removal or dismissal of the employee. In such cases a suspension of two or three weeks at most should be adequate.

[1] Rule XII, Section 3.

On the procedural side the rule merely provides that the reasons for the suspension "shall, at the time of the suspension, be filed in the records of the proper department or office and copies shall be furnished to the Commission upon request."

Other Factors for Promoting Individual Efficiency.—In shaping policies or procedures those entrusted with the administration of the personnel system must ever keep in mind the effect which such policies and procedures will have upon the morale and upon the working efficiency of the rank and file of the personnel, and in every case where a policy or procedure has been discussed in these pages, such considerations necessarily have been present. It is worth while, however, to review strictly from the standpoint of the employee these points in order to get in one place, and in a connected way, a picture of the service from the employee's standpoint, its attractions and its drawbacks.

General Attractiveness of the Public Service.—In appraising the net attractiveness of the federal service, it is desirable to recognize at the outset that, in almost all the administrative and technical employments of the government, there are to be found individuals to whom employment by the government is in and of itself more satisfying than private employment can be. This is due largely to a sort of intellectual satisfaction derived from contact with, and participation in, the affairs of an organization of such vast power and extent as the government. Whatever the conscious or subconscious psychological elements present, this preference does exist and is to be reckoned with as no insignificant factor in the recruitment and maintenance in the service of a satisfactory class of personnel. It is one, consequently, that should be fostered in every way possible.

One of the greatest obstacles in the way of this is the generally low esteem in which the government service is held. Whatever adjustments may be made in the way of compensation, opportunity for advancement, and the like, the federal service will still suffer unless there can be developed upon the

part of the public as a whole a sincere feeling of regard for the service. The development of a public regard for the ability and idealism of the intermediate and subordinate administrators in the federal service, similar to the regard that is now generally had for military and naval officers, perhaps would contribute as much as any other single development to elevating in a very short space of time the type of individual recruited and retained in all grades of the federal service.

In the creation of the tradition of prestige for the service, the prevailing scale of compensation perhaps plays a less important part than does the current estimate of the efficiency with which the work of the service is carried out and of the ability which is required to carry it on. Generally speaking, the public is woefully ignorant of the magnitude and difficulties of the problems of public administration. In common opinion, the operations of the federal agencies are simple and routine in character, involving in large measure but the winding, unwinding, and rewinding of quantities of red tape. Of the technical difficulties, the organization problems, the vexed determinations of policy which frequently confront even the subordinate federal officer, even the enlightened public is largely oblivious.

Vital as is the need of developing the reputation of the service for efficiency of management, the development merely of a reputation for efficiency is not sufficient. In every field of endeavor there are to be found men to whom the opinion of the community is of less vital consequence than is the satisfaction of their own instincts of workmanship. By such spirits the chief reward for labor and effort is found in the consciousness of a task expertly achieved, of time and material used to the utmost, of waste eliminated. To men of this type the government service, other things being equal, should make a strong appeal because the large proportion of effort which, in every private industry, is devoted to the furthering of purely competitive ends without in any manner contributing to actual production, is absent in governmental operations. Efficiency

of operation is thus one of the chief elements in the attractiveness or lack of attractiveness of the federal service.

Security.—Another prime factor of attractiveness is that of security of tenure, so long as efficient service is rendered. Security of employment presents two distinct phases—security against removal for improper reasons, and security against dismissal made necessary by changes in conditions rendering the particular service no longer necessary. In both these respects the federal service may be said to be superior to private employment from the employees' standpoint. The position has been taken, indeed, in a former chapter that the protection which obtains against improper removal is not quite adequate. But the fact remains that removal merely because of personal dislike or incompatibility, by no means uncommon in private employment, is hardly known in the federal service. Removal for what may be called political reasons also exists even in private business, especially in the larger organizations.

On the score of security against business vicissitudes the federal service obviously offers one of its chief attractions as against private employment. In most branches of the service this security is virtually complete. It is not entirely so, however. It is inevitable that in so large and varied an organization as the federal service certain classes of work should become unnecessary from time to time, either being abandoned altogether or superseded by improved methods. The best the administration can hope to do in cases of this kind is to make some other provision for the employees affected. In this respect, the federal service, until recently, was distinctly behind the best private practice; but the beginning made in the establishment of reëmployment registers in 1919 doubtless will soon result in the development of adequate procedures under this head.

The Merit Basis.—Still more fundamental from the standpoint of its attractiveness to the employee is the recognition of merit as the sole basis for action in all matters of personnel administration. When the need and importance of the merit system are under discussion it is usually recruitment that is

particularly in mind. In point of fact, however, from the standpoint of the employee, whether actual or prospective, the extent to which the merit system is departed from in initial recruitment is of secondary importance. What is important to him is that once in the service he shall find that the rewards of promotion, salary increase, favorable reassignment, and the like, and the punishment of removal, suspension, demotion, and the like, shall be awarded without reference to personal or political considerations, and wholly upon the basis of demonstrated merit. Nor is it sufficient that this basis shall be adopted merely in principle. The machinery must be so arranged and operated that all employees will be convinced that it is applied in practice.

The review of existing conditions in the federal service made in the preceding chapters has disclosed that neither of these conditions generally obtains. The revision of the present procedure for determining promotion, salary increase, reassignment, demotion, removal, and the like, along the lines suggested in the preceding chapters, and with special emphasis on those phases of such procedures as will most effectively bring assurance and conviction to the employees is fundamental, therefore, to any program for the improvement of the federal service.

Opportunity for Advancement.—The factors which determine the degree and kind of opportunity for advancement in any personnel system fall into two distinct classes. On the one hand are those factors which make for frequent vacancies above the entrance grade; on the other, those factors which determine the extent to which such vacancies, as they occur, are filled by selection from within the service, and the area from which such selection is usually made.

The factors affecting the frequency with which vacancies occur in the service above the entrance grade, are chiefly three in number. Perhaps most important is the procedure, if any, in force for retiring superannuated personnel. If such retirement is prompt and universal, the opportunities of the younger personnel are obviously enlarged. The effect which the ab-

sence of a retirement system has in reducing the opportunities for advancement of the younger personnel is not commonly appreciated. In discussions of the problem of the superannuated employee, that familiar character is usually thought of as occupying a position of negligible importance; and the argument runs that his service is so inconsiderable that it would be cheaper to retire him at half pay than to retain him at full pay. In point of fact, where there is no retirement system, the superannuated employee is found, of course, in positions of all degrees of importance, from lowest to highest, and is especially likely to be found in the supervisory positions of intermediate responsibility; and even where his duties have greatly declined in importance, he still is likely to be in receipt of the salary attached to his former, more important, duties. The net result is that vacancies rarely occur in the higher or better paid places, for among this class of elderly employees of long service it is especially true that "few die and none resign." Hence it is that a generous retirement system, permitting the regular withdrawal from the service of those who have outlived their highest usefulness, greatly increases the mobility of the service and the opportunity of those in the ranks for advancement.

The enactment of the retirement act of 1920, though far from a satisfactory measure, thus marks an important advance in rendering the federal service more attractive not merely to the routineer to whom the assurance of a superannuation provision for his benefit is of high importance in and of itself, but to the young, ambitious, and capable employee to whom the retirement provision itself is a matter of indifference, but whose opportunities for advancement during his working life are materially increased by it.

Perhaps next in importance to the retirement system in effecting the frequency with which vacancies occur is the extent to which it is possible for employees so desiring to leave the federal service to enter the business or professional world. The greater the opportunity, and the more frequently it is availed of, the greater the number of vacancies within the

service. The present situation under this head varies widely from service to service and from one occupation or calling to another. In some services, as for example in the Patent Office and in some of the technical services, capable employees so desiring find no difficulty in capitalizing their government experience in private employment. Indeed, in some cases, they find this experience a far greater asset than the experience which could have been acquired over a similar period in private employment. In other branches of work quite the reverse condition is found. In still other branches (and the bulk of manual and mechanical employments doubtlessly fall in this class) experience in the federal service possesses neither a greater nor less market value than similar experience in private employ.

At the present time experience in the government service in a capacity akin to that known in private employment as "office manager" has virtually no market value in the business world. Yet the work involved—the supervision of a clerical force engaged in correspondence, filing, bookkeeping, mailing, and the like—is essentially the same in many government offices as in commercial offices. The difficulty is that there has not been developed by those branches of the service engaged in office work a reputation for efficiency. In point of fact many government offices are perhaps more efficiently conducted than many commercial offices. But just as the office management of a large corporation is credited with high efficiency in the absence of any knowledge of the actual facts, so the government office now bears the stigma of inefficiency. What is chiefly needed, therefore, to give experience in the federal service a market value is the development of a reputation for efficiency.

This is not to say that it is to be accepted as the policy of the federal service that it should be in any degree less attractive to the capable employee than the conditions obtaining in private employment. On the contrary, it goes without saying that every effort should be made by the federal personnel administration to establish such conditions that the capable

employee will ordinarily find it entirely satisfactory to remain in the service. But no matter how high a standard may be reached in the development of the federal service, or of any service, there must always be a not inconsiderable proportion of cases in which a particular individual finds the prospect before him in the service much less to his liking than he does the prospect of transferring to some other organization. It is for this percentage of cases that the service should make provision, along the lines herein suggested.

There are some, indeed, who would have the service take the opposite view. The resignation from the federal service of a capable employee to enter private employment is regarded by them as a loss to the service which should be prevented in every way possible. Such a view, however, fails to take into account the larger benefits which flow from the increased attractiveness of the service precisely by reason of the opportunity which exists for shifting to private employment and by reason also of the increased opportunity for advancement within the service which thus results. There is, of course, a point beyond which the departure of men to private service would indicate an unhealthy condition, and that that point has long been reached in certain of the federal services has already been pointed out. But up to that point the flow of men to private service, and so far as consistent with the other requirements of sound personnel administration, the counterflow of men from private employment to the federal service, may be regarded as a hopeful sign of fluidity and vigor.[1]

The final factor which determines the frequency with which

[1] While in the above discussion the increase in the market value of experience in the federal service has been regarded as merely one element affecting the frequency with which vacancies occur in the service, thus promoting the opportunity for advancement in the service, it need hardly be said that an increase in the value of the employee's services in the employment market is in and of itself something which makes the service attractive to the employee. Indeed in some branches of the service, of which the Patent Office is the most conspicuous example, the high rate at which experience in the service can be capitalized in private employment is perhaps the chief and for many the sole attraction of the service. Needless to say, however, where such a condition results it is hardly a desirable one from the standpoint of the service, however attractive it may be from the standpoint of the employee who is thus able to capitalize his experience in the service.

vacancies occur in a service usually is the rate of expansion in the service itself. This is not, however, like the other factors mentioned, a matter of policy to be determined in advance. While exceptions, of course, occur now and then, the general statement is warranted that so far as affected by this factor the opportunity for advancement in the federal service is considerably more limited than in private employment. Only in rare and exceptional cases do branches of the federal service expand with anything like the rapidity that characterizes vigorous business enterprises. The factor of internal expansion is indeed the one on which industrial concerns, for the most part, rely chiefly to create the vacancies necessary for providing sufficient opportunity for advancement for the subordinate personnel. The creation of new services, however, does occur from time to time and presents an unusual opportunity to award advancement to faithful employees who have not found such opportunity within the branches of the organization where they may be employed. It might be thought, therefore, that when opportunities of this kind occurred they would be exploited to the utmost. It is notorious, however, that partly owing to the failure to make any positive provision either by Congress, the President, or the Civil Service Commission, and partly owing to the prohibitory provisions enacted by Congress and confirmed by the rules of the Civil Service Commission, the opportunity presented by the creation of new services seldom has been availed of to anything like the full extent. In view of the relative unimportance of the factor of internal expansion in the federal service, it is all the more important that thorough-going measures be taken, by way of the retirement system and of enhancing the marketability of experience in the federal service in the private employment market, to increase as much as possible the rate of frequency of occurrence of vacancies and to fill the vacancies that do occur as far as possible from within the service.

The desirability of restricting selection for such vacancies as occur above the entrance grade to those already in the serv-

ice as far as practicable, and indeed of providing, even at some expense and trouble, means whereby those already in the service who would not otherwise be eligible for certain lines of promotion may qualify themselves for such promotion, has been fully considered already. The placing of all the political administrative posts upon a merit basis, the elimination under all ordinary conditions of recruitment from without for any position which can with substantially equally satisfactory results be filled from within, and the provision, within reasonable limits, of means whereby those within the service may equip themselves for advanced responsibility, comprise the measures which should be taken in the federal service to increase the opportunity of those within the service to attain promotion to such vacancies as occur.

But for maximum attractiveness of the service it is not sufficient merely that such vacancies as occur within a service are filled from within: it is equally essential that they be filled by the selection of the most capable employee wherever available; and this means, both that the method of selection must be correct, and that the area of selection shall be sufficiently extensive. In a preceding chapter the considerations which should govern in determining the proper area from which selection for any given vacancy is to be made were considered, and need not be reviewed here. What is essential to note here is that it is in this particular respect—that of failing adequately to extend the area of selection from within, leaving some of the ablest employees who have had the misfortune to become located in certain branches of the service with far fewer opportunities for promotion than their less able fellows in other branches—that the federal service has fallen furthest short of realizing its full possibilities in the field of enlarging the opportunity for advancement.[1]

[1] One specific point at which the area of selection from within is now commonly improperly defined in the federal service, resulting in a severe curtailment of the opportunity for advancement of the more capable employees, deserves special mention. As has been pointed out already, in not a few of the field services, each local establishment is an independent unit, at least so far as the more important officers is concerned, a transfer from one station to another occurring only in the

Summarizing then the steps which should be taken to enlarge the opportunities for advancement offered by the federal service generally, they are:

1. The establishment of a retirement system insuring the prompt retirement of superannuated employees.

2. The development, for the service generally and particularly for those branches in which work is analogous to that of private employment, of a reputation for efficiency which would facilitate the passage of personnel to such employment.

3. The provision of facilities for instruction of the subordinate personnel in subjects tending to qualify them for advancement to specific positions not in the natural line of promotion.

4. The placing of all administrative posts, that is, all posts except that of head of department, upon a merit basis.

5. The express recognition of the principle that positions are to be filled by promotion rather than by selection from outside, except where compelling reasons exist to the contrary.

6. The encouragement, instead of the obstruction, of free transfer, within clearly defined technical group lines, from service to service and from department to department.

7. Particularly, the staffing of new services so far as possible by the transfer of personnel from the old services.

8. The definite organization of all field services, and particularly the postal and customs services, on a national basis, so as to facilitate the transfer of the higher officers of those services from station to station.

rarest instances. The obvious result is that a capable employee in one of the smaller of these establishments has far fewer opportunities for advancement than a less capable employee in one of the larger establishments. There is everything to be gained and nothing to be lost by the organization of all these services upon a national basis which will transfer the higher officers of the service from station to station.

CHAPTER XIV

WORKING CONDITIONS

The substantive policies which are pursued with respect to matters affecting individual employees—compensation, recruitment, promotion, reassignment, removal, retirement, and the like—and the fairness and effectiveness with which those policies are applied, constitute the major elements of the working environment. In addition to these, there are, however, certain general factors having to do with the conditions under which employees give their services that are of no little influence in determining the morale and thus the efficiency of a personnel system.

Hours of Labor.—The conditions with respect to the hours of labor in the departments at Washington are stated thus by the Reclassification Commission:[1]

> Requirements as to hours of work in the Washington service are more uniform than most other conditions of employment, and do not differ materially from those generally in effect elsewhere. Seven hours constitute a normal day's work for the clerical and professional group of employees, and eight hours for the manual, making aggregates of 42 and 48 hours per week. From June 15 to September 15, four hours constitute a day's work on Saturday, thus reducing the aggregate to 39 and 44 hours per week during that period. Hours for office workers generally in effect outside of the government service are 7 or 7½ hours for 5 days and 4 or 4½ on Saturdays in the office building districts of the larger cities such as Boston, New York, and Chicago. In mercantile establishments and factories, hours for office workers are more usually 7½ or 8 per day, often with no Saturday half-holiday. The eight-hour day is now normal for manual workers outside as well as inside of the government service.

[1] Report of Reclassification Commission, Part I, p. 89.

Substantially the same conditions exist throughout the field service.

During the war the attempt was made to increase the hours of all government employees to eight, and a bill carrying a provision for this purpose was actually passed by Congress, despite the opposition of the employees, strongly enforced by organized labor. The bill was vetoed by the President on the ground that the department heads already had the power to require eight hours' service, an objection hardly relevant inasmuch as the object of the law was to prevent the department heads from requiring or permitting less than eight hours' service.[1]

Overtime Work.—Overtime work, on the whole, is uncommon in the federal service. In the departments at Washington, unusual congestion of business, or the necessity for completing a report or other document by a certain date, occasionally results in overtime work. In the field establishments similar occasions arise, and in some services, as in the customs inspection service, in the inspection of passenger baggage, the nature of the work sometimes calls for large amounts of overtime. In the postal service also, there is necessarily a proportion of overtime work. In the Government Printing Office, the Bureau of Engraving and Printing, and other industrial establishments of the government, overtime work is not uncommon.

It is elementary that overtime work should be kept within the narrowest limits possible—that a sufficient force should be provided, and the work so organized and directed, that no overtime work will be necessary normally. The regulations governing overtime work should be so framed as to deter the management from relying upon overtime work except under the most urgent circumstances. The most effective way to accomplish this is to require the payment of employees for overtime work, and payment moreover at an increased rate.

[1] There was already on the statute books a law (Act of March 15, 1898, 30 Stat. 316) requiring the heads of departments to exact "not less than seven hours of labor each day, except Sundays and days declared public holidays by law or executive order."

A general provision of law [1] now prohibits such payment unless expressly authorized by law; and such authorization has been made only in the case of per hour and per diem employees and piece-rate workers in the Bureau of Engraving and Printing and the Government Printing Office, where 50 per cent and 20 per cent additional compensation, respectively, are allowed for overtime, and, in the case of postal employees, where overtime work is compensated for in proportion to the salaries as fixed by law.

It is hardly open to question that the principle of payment for overtime at an increased rate should be adopted uniformly in all the branches of the service in which payment is by the piece, the hour, or the day. Nor is there any reason why it should not be applied even to employments compensated on an annual basis, where the work is of a routine, standardized character resulting in a definitely measurable product. As examples of such employments might be cited the operation of card-perforating machines, addressographs, multigraphs, and the like, or the filing of cards or documents of a standard character in files of large size.

When, however, the attempt is made to apply the principle of payment for overtime, whether at regular or extra rates, to ordinary clerical and administrative work of the government, as is proposed by the Federation of Federal Employees, the question assumes another aspect. The work performed in these employments is not capable of measurement in standard units so that the daily output can be accurately checked. Here, if payment is made for overtime, especially if payment is made at rates considerably in excess of the normal rate (and the proposal of the Federation is for rates running from one-half to twice the normal rates), there is created a strong temptation on the part of the employee to make overtime work for him-

[1] Sec. 1764 of the Revised Statutes reading: "No allowance or compensation shall be made for any extra services whatever which any officer or clerk may be required to perform, unless expressly authorized by law." There is, moreover, a specific provision relating to the Washington service, providing "that if the heads of departments shall extend the hours of labor beyond the 7-hour minimum required by law, such extension shall be without additional compensation." (Act of March 15, 1898, 30 Stat., 316.)

self by slackening his efforts during normal working hours. It will be said, of course, and with truth, that a capable executive will be able to repress any tendency of this kind; but it would be a mistake to frame personnel policies always with a view to their execution by executives of the highest capacity. The experience of other personnel systems, as actually administered, indicates that for the ordinary clerical and semi-administrative employments payment for overtime has the tendency described.

There is another aspect, moreover, in which the clerical and administrative services stand on a different basis than do those employments which are compensated on a piece, or hourly, or daily basis. In these employments, employment is not secure but varies according to the amount of work on hand, and a diminution in the amount of work promptly results in the discharge of the proportionate number of employees. Hence it is in the nature of the employment that compensation should be proportionate to the output, and that overtime should be fully paid for. In the clerical and administrative services on the other hand a temporary lull in the activity of the organization, which not infrequently occurs and which makes wholly possible a temporary reduction of the force without any impairment of the efficiency of the organization, is not in fact taken advantage of in this way. The employees are retained in service and though their attendance for the full working time is required, the work proceeds at a reduced pressure. Instances of this kind are familiar throughout the administrative branches of the federal service. It seems no more than just, therefore, that in these branches of the service occasional overtime work should not be the occasion for any increase in compensation.

Leave Privileges.—Closely related to the question of working hours is that of leave of absence with pay. No uniform rules regarding leave are universally applicable throughout the federal service. The most widely applicable legislation on the subject provides

That the head of any department may grant thirty days' annual leave with pay in any one year to each clerk or employee: *And provided further,* That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the department would jeopardize the health of fellow clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended in the discretion of the head of the department, with pay, not exceeding thirty days in any one case or in any one calendar year.

This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave. (30 Stat. 316, March 15, 1898.)

In interpreting this provision the Comptroller of the Treasury has ruled

The act of March 15, 1898 (30 Stat. 316), and the acts amendatory thereof governing the subject of leaves of absence in the executive departments, do not entitle employees to leaves of absence as a matter of right, but simply authorize the heads of departments, in their discretion, to grant leaves of absence with pay within the limits therein fixed. In the exercise of their discretion the heads of departments may make the granting of leaves of absence dependent upon good conduct or faithful service, or, under proper conditions, may refuse to grant any leaves, and, of course, they make the matter of granting leaves the subject of general regulations. Such regulations, when duly promulgated, and not in conflict with the law on the subject, are binding on all employees concerned, who are chargeable with the knowledge of the existence of such regulations. (XXII Decision of Comptroller of Treasury, 103; decision of August 23, 1915.)

Each department has its own practice with respect to granting leave under the authority of the statute. In several departments, the full amount of leave permitted by the law

is granted under reasonable formalities; whereas in others the regulations curtail the amount of sick leave by providing an allowance of 10 days a year which is cumulative, with the provision that not more than 30 days may be taken in any one year. For establishments not under executive departments, special legislation has been adopted in some instances. For the postal service, exclusive of the Department proper, the provisions are far less generous. Prior to the recent reclassification of the postal service only fifteen days' leave with pay were granted to clerks and employees in first and second class post offices and employees of mail bag repair shops (1890, October 1, 26 Stat. 648). The new provision (1920, June 5, 41 Stat. 1052), which provides for cumulative sick leave, reads as follows:

> Employees in the Postal Service shall be granted fifteen days' leave of absence with pay, exclusive of Sundays and holidays, each fiscal year, and sick leave with pay at the rate of ten days a year to be cumulative for a period of three years, but no sick leave with pay in excess of thirty days shall be granted during any three consecutive years. Sick leave shall be granted only upon satisfactory evidence of illness and if for more than two days the application therefor shall be accompanied by a physician's certificate.
>
> The fifteen days' leave shall be credited at the rate of one and one-quarter days for each month of actual service.

The provision for 30 days' annual leave, common to the departments proper, is generally regarded as reasonably satisfactory. To this allowance of 30 days are charged all absences with pay except those due to personal illness, to contagious diseases in the family or to military duty in the National Guard on parade or encampment days. Thus if an employee is tardy or desires to be excused for a brief period, the absence is charged against his annual leave. Statistics show that the great majority of employees take each year practically the entire amount of annual leave to which they are entitled; and, as a rule, they are granted the leave when they apply for it. In certain instances, however, employees

may be entirely deprived of their leave because of pressure of work, or they may be denied permission to take it when they want it. Sometimes this restriction applies only to a particular person and sometimes to an entire organization unit at a particular time. As a result of the restrictions, the employees' organizations have advocated legislation that would make annual leave a matter of right and not a matter of privilege. The recommendations of the Reclassification Commission, in this matter, as contained in the bill submitted by it were that:

> Each employee shall be entitled to a leave of absence with full compensation of two and one-half days, exclusive of Sundays and holidays for each month during his employment. . . . The head of the department shall determine when such leave may be granted to an employee under his control or direction, but any employee who has not been granted the leave to which he is entitled . . . at the time requested may appeal to the [employment] commission, which shall determine whether such employee shall be granted such leave and the time when such leave shall be granted and such determination shall be final.

The bill drafted by the Reclassification Commission also provided that in case of the death of an employee his estate should be paid an amount equal to the compensation to which he would be entitled by virtue of any accumulated leave, not to exceed 30 days. These provisions go as far as it seems wise in the direction of recognizing that the employee has a right to his accumulated leave.

The Reclassification Commission's recommendations in regard to sick leave recognize the principle of cumulative leave. It would have such leave accumulate at the rate of ten days a year, with a proviso that not to exceed sixty days could be granted in any one calendar year. Statistics gathered by the Commission from representative branches of the service for the five-year period from 1914 to 1918 showed that the average number of days' sick leave was 5.4 and that on the average 48.9 per cent of the employees took no sick leave; 32.9 per

cent took 10 days or less, and only 3.5 per cent were granted the full 30 days.[1]

The recognition of the principle of cumulative sick leave would represent a distinct step in advance over the present system of 30 days' leave without any provision for accumulation, but it is somewhat difficult to see a good reason for limiting the amount of sick leave which an employee may be granted in any one year, provided he has earned it. Many private employers have recognized an obligation to care for their employees when they are ill. They accomplish this by carrying them on the active roll during temporary illness and by retiring them on disability annuities if they are permanently disabled. Some foreign governments have similar arrangements, and the United States government has now established a retirement system which provides a disability annuity for any one who may be disabled after 15 years of service.

The proper solution of the problem of sick leave lies in the direction of very generous provisions for *bona fide* cases of prolonged illness, with rigid supervision and investigation to prevent fraud. All the statistics of sick leave among federal employees that have been compiled show that the overwhelming majority of the employees do not abuse the privilege of sick leave; and if the government should adopt a very liberal policy, such as is now pursued by some large private companies, it would not involve a very heavy expenditure. The cost, doubtless, would be more than offset by the fact that a liberal provision in the event of sickness would be a very attractive feature to government employees whose salaries are such that they must manage their affairs on a modest, well ordered basis and cannot easily provide for prolonged illness.

Physical Environment, Medical Services, etc.—There is available no comprehensive survey of the conditions prevailing under this head in the post offices, customs houses, and other field establishments of the government in which physical conditions are likely to be below the standard. In the absence of such a survey it is impossible to state what the conditions are.

[1] Report of the Reclassification Commission, Part I, p. 93.

As regards conditions at Washington, the Reclassification Commission reported: [1]

Taken as a whole, government buildings in Washington are, it is true, generally clean and well kept, and toilet and washing facilities are sufficient. As regards such important features as ample working space, proper illumination, ventilation, and humidity, however, there is neither adequate provision nor any accepted standard. Many illustrations have been brought to the attention of the Commission of working conditions which should be remedied and which must necessarily have a detrimental influence on the health and efficiency of the employees.

In the field of medical inspection and the provision of medical and recreational facilities, practically nothing is done by the federal government for the employees. Here the practice of the government falls far behind that of many progressive corporations. The need for work in this line is emphasized by the Reclassification Commission in its report as follows:

As an integral part of any comprehensive employment policy, and more specifically as a means of increasing efficiency, the government should adopt a program making adequate provision for the health and for proper physical working conditions for its employees which will enable it at least to keep pace with the more progressive concerns in the industrial world. To be of the greatest value, all work along these lines should obviously be coördinated and concentrated in a single agency having at its disposal competent medical officers. The Public Health Service, which is already handling some work of this sort in the Treasury Department, is in an excellent position to function as such an agency. It is, therefore, recommended that the Public Health Service be charged with general supervision over all matters affecting the health of government employees in so far as these are connected with their official work. To exercise such supervision to advantage it should be specifically authorized and directed:

1. To establish rest and relief rooms under the supervision of resident nurses and physicians. Such relief rooms should be equipped with first aid appliances, simple medicinal reme-

[1] *Ibid.*, p. 101.

dies, and, if possible, a few beds. They should aim to prevent minor ailments from having serious results; save the time which would otherwise be required for the employee to consult a physician or go home; and improve the morale of the force.

2. To establish a visiting-nurse system with the following responsibilities:

(*a*) To check up sick leave and unexplained absences.

(*b*) To see that sick employees are receiving proper care and attention, but not to administer bedside care or treatment.

(*c*) To ascertain the occurrence of communicable diseases and to prevent their spread through the medium of other employees living with those who had become sick.

3. To conduct systematic periodical investigations of working conditions in government offices, so far as these affect the health of the employee, including inspection of such matters as ventilation, illumination, toilet facilities, cleanliness, etc., with authority to enforce the carrying out of its recommendations as to needed changes.

Investigations of this sort might often be made to advantage in coöperation with the Bureau of Standards, which is in a position to be of assistance in such matters.

4. To conduct a systematic campaign of health education; to check up the health of individual employees with a view to improving general health conditions and to detecting such troubles as incipient tuberculosis, typhoid carriers, and defective mentality; and should encourage employees to present themselves periodically for medical examination.[1]

With respect to the element of safety in the government buildings and structures, the Reclassification Commission reported that:

Present conditions could be materially improved by the adoption of a safety program, which should at least meet the standard set by the more progressive States, municipalities, and private employers. The very fact that buildings owned, leased, or controlled by the federal government are subject to no other jurisdiction, makes it incumbent on the government to take the initiative in seeing to it that conditions are such as not

[1] Report of the Reclassification Commission, Part I, pp. 102 ff.

to endanger either the health or the safety of its employees. The few instances of preventable accidents already cited are sufficient to indicate that a reasonable safety program would save the government far more than it would cost. It is poor economy for any employer to expose his employees to unnecessary danger, to say nothing of the human considerations involved.

Such a program should be developed along three main lines —safe construction, safety inspection, and safety education. Some central authority, such as the U. S. Employees' Compensation Commission, should assume the leadership in the work. It should be empowered to employ a competent safety engineer who would correlate and exercise general supervision over the safety activities of the government, and who would coöperate with the various government establishments in the prevention of personal injuries among their employees. The Bureau of Standards, which is active in the development of safety codes and in the conduct of investigations leading to safe construction, should be officially associated with the U. S. Employees' Compensation Commission in the work.[1]

[1] *Ibid.*, pp. 104 ff.

CHAPTER XV

ORGANIZATION FOR PERSONNEL ADMINISTRATION

The organization which should be provided for carrying into effect the necessary procedures has necessarily received incidental attention in connection with the discussion of the several phases of personnel administration. The purpose of the present chapter is to bring together these several suggestions and discussions and, by integrating them, to consider in a unified way the organization which is and should be provided for the several branches of personnel administration in the federal service.

Analysis of the Problem.—The question of the organization for personnel administration in the federal service may be considered conveniently under three heads: first, the distribution of the several functions of personnel administration between the central personnel authority and the departmental or bureau authorities; second, the organization of the central personnel authority; and third, the organization of the departmental or bureau authorities.

For the purpose of considering the problem of organization for personnel administration, the functions of personnel administration may be considered or classified conveniently under the following heads: first, the formulation of standard schedules of classes and grades of work and of compensation rates; second, the appraisal of specific positions; third, recruitment; fourth, the regulation of processes affecting particular individuals in the personnel, such as promotion, salary increase, reassignment, transfer, demotion, dismissal, and the like; fifth, the promotion of measures bearing on no particular employee specifically, but calculated to improve the health,

safety, and morale of the personnel generally; and sixth, the suppression of political activity among the personnel.

Organization for Recruitment.—In the field of recruitment, the question of the distribution of authority between central and departmental agencies is a simple one. The advantages of a central recruiting agency over any system of departmental recruiting agencies is hardly open to question. A central examining machinery, which can be used for the service of all departments is manifestly more economical than would be a system of separate departmental agencies. Due to the wider field over which it operates, and its larger size, such an agency is capable of greater specialization along particular lines of employment. More important still, it is only through such an agency that complete assurance of impartiality in ratings can be had. The further removed the rating body is from the influence of the department or service for which recruitment is being carried on, the greater the assurance that personal preferences will not unduly influence action.

There is, however, always a danger in a highly centralized recruiting system that the particular needs, and more especially the peculiar needs, of certain branches of the service may not be accurately met. This may be due merely to a lack of intimate knowledge on the part of the central agency of those peculiar requirements. There is, however, also the possibility that the central recruiting agency, being in no wise subordinate to or under the control of the several departments and services, may tend to give too slight a weight to the objections and criticisms of its work originating in those departments. The central agency is more than likely to feel that such criticisms arise from an imperfect knowledge of the examining technique of which it feels itself the master. These disadvantages of a central recruiting agency have been experienced, in a measure at least, in the federal service. In part they have been due to the inadequate force which has been at the disposal of the Civil Service Commission; but the more intangible factor mentioned doubtless has also had its influence. The attempt should therefore be made to secure, in a more formal

way, the assistance of the several departments in the work of the central recruiting agency. A departmental organization for this purpose need consist merely of a committee of administrative officers of various grades, acting through sub-committees organized on the basis of the several classes of service involved. Such a departmental committee could give intensive study to the plans of all proposed examinations affecting the department before the formal adoption of plans by the Civil Service Commission, as well as criticism to questions or tests and rating methods actually employed. Out of such departmental committees might grow inter-departmental committees, one of each major class of employment, which might perform similar functions. Whatever the precise development however, it is believed that in this direction lie important possibilities for improving the recruitment practice of the Civil Service Commission.

The process of recruitment does not, however, end with the promulgation of eligible lists. The determination of the particular list to be selected for certification to fill a particular vacancy, the selection of the eligible to be appointed from those certified, and the careful observation of the new appointee during the probationary period—these are all matters in which the department has of necessity a greater or less degree of participation and for which a definite organization should be provided in the department. The extent to which such an organization is provided at the present time, as opposed to the practice of trusting the particular administrative officer concerned with complete freedom in these respects varies from department to department. In hardly any department, however, does the appointment clerk figure anything like as prominently and effectively in these phases of the recruitment process as a capable personnel manager should and would.

The Problem of the Examining Personnel.—From what has been said regarding the several types of tests, and their respective limitations and values, it need not be argued at length that the correct planning of the enormous variety of examinations necessary to meet the recruiting requirements

of the federal service, and the framing of the actual tests, calls for a high type of ability; and that certainly so far as these examinations are applied to the higher and more important types of positions, the comparative rating of the candidates also calls for a high order of capacity. The development of an examining staff equal to these exacting requirements would thus seem to be the first essential of the federal recruitment system.

In general two methods may be employed in the development of an examining staff. Either an independent staff engaged exclusively in examining work may be created by the central agency, or the personnel of operating departments may be used as the occasion arises. From every standpoint the creation of an independent staff is the preferable method. Only if the recruiting staff is wholly independent of the appointing department will the examination system command the respect and confidence of the general public and, more particularly, of prospective competitors and applicants. This is not to say that it may not be possible to develop a system in which the personnel of the appointing department employed in examining work is entirely free, in fact, from the influence of the department, or from other improper influence. The point is simply that, whatever the actual facts, such a system cannot enlist the confidence of the public to the same extent as does a system in which the examining force is entirely independent of the appointing department, and stands, therefore, in the position of an arbiter between the department and the applicant for appointment.

From the standpoint of technical efficiency also the professional examining staff, when properly recruited and developed, gives results far superior to those obtained by the use of the personnel of the operating department. It is not commonly appreciated to how great an extent the planning of examinations, the formulation of tests, and even in a measure the rating of the experience and performance of the several candidates constitutes a distinct technique or a distinct art. The fact will nevertheless be vouched for by all who have had

experience in these matters, that an examiner who has both skill and experience will almost invariably produce better results in the planning of an examination, the formulation of tests, and often even in the rating of candidates than a specialist in the particular field concerned who is without extensive examining experience.

It is consequently possible to build up, in the course of time, a central examining staff of limited numbers that is capable of conducting, on its own responsibility and with excellent results, examinations covering a surprisingly large and varied field. From time to time there arise, however, examinations calling for knowledge of some specialty which is beyond the range of the permanent examining staff, so that it becomes necessary to employ temporary assistants. Here too, on the general principle of disassociating the appointing department from the examination as completely as possible, it is desirable that there should be employed not members of the personnel of the appointing department but specialists from the business, the professional, or the academic world who have no connection with the service.

Summarizing, it is vital to the success of the recruitment system that there be independent examining staffs adequate in number and in ability to conduct on their own responsibility the entire examination process for most of the positions in the service, and that there be available sufficient funds to make possible the employment of competent specialists outside the service for such examinations as are beyond the range of the permanent staff.

Neither of these requirements has been adequately recognized by Congress up to the present time in making provision for the staff of examiners of the Civil Service Commission. The number of examiners has been kept much below what was needed properly to handle the great volume of work imposed upon it, thus preventing on the one hand as high a development of examining technique for the higher posts as is desirable, merely through lack of time on the part of the examiners, and, on the other, the development of a sufficient range

on the part of the permanent staff; so that reliance has had to be placed to a greater extent than it should be upon outside assistance. Even in examinations that are well within the capacity of the Commission's examiners there has thus been necessitated, particularly for positions in the field services, an undue reliance upon outside assistance.

Even more inimical to the development of an examining staff equal to the requirements of the classified service have been the compensation rates fixed for examiners. These rates, as fixed by Congress or as contemplated in its appropriation for the examining staff of the Commission, have been little above the rate fixed for the most ordinary kind of clerical duty. The salary of the chief examiner has for years been and still is $3,600—less than that fixed for the chief clerks in some of the departments; and the salaries of his subordinates have been fixed at proportionate figures. In view of the utter inadequacy of these rates it is indeed amazing that the Commission should have been able to recruit and retain as efficient an examining staff as it has. The explanation is doubtless to be found in large part in the peculiar attractiveness which the position of examiner in the Civil Service Commission has to a certain type of mind because of its central position in the government.

The inadequacy of the permanent staff provided for the Commission by Congress has not been made up by adequate provision for the employment of outside experts. It is only since 1911 that appropriations for this purpose have been granted at all, and from the first they have been and continue to be wholly inadequate in amount. As a result the Commission has been compelled to rely to no small extent upon the services of the personnel of the several departments. This practice has been recognized by the Commission itself as objectionable for the reasons already set forth.

Referring to the methods now used by the Commission in connection with the use of the personnel of the departments for examining work, the Chief Examiner of the Commission, in 1915, said:

Some years ago, owing to a very inadequate force, the commission was obliged to rely almost wholly upon experts in the employ of the government and often even to depend entirely upon those employed in the bureau for which an examination was held. Although, as already stated, such help is still obtained to a considerable extent, the commission is always represented in the rating of papers by an examiner trained in the essentially judicial function of weighing evidence of qualifications. In this way the commission is able to assume full responsibility for all of the examining work. Moreover, experience shows that an examination that will accurately measure relative ability for almost any kind of work can best be framed by one, or under the supervision of one, who has had thorough training in the preparation of competitive examinations. This is often demonstrated by the fact that questions submitted to the commission by scientific experts in various lines need revision, for the reason that those who prepare the questions have not had experience in the preparation of such tests and the rating of examination papers.[1]

It is believed that the Commission should make every effort to eliminate entirely the practice of employing departmental experts for examining work. The Commission is indeed open to the criticism of having failed to present the case for larger appropriation for this purpose with sufficient vigor to Congress. The same may be said, with justice, of the recommendations which the Commission has made from time to time for the increase of the salary of the chief examiner and his subordinate. It is believed that if these recommendations had been pushed more vigorously by the Commission, and if the support of the National Civil Service Reform League and similar organizations had been enlisted, it would then have been possible to have made greater progress in this direction.

In the four systems of formal selections which have been set up in the unclassified service—that for presidential postmaster, for the consular and diplomatic service, for the Public Health Service and for the Coast and Geodetic Survey—

[1] Thirty-second Report of the United States Civil Service Commission (1915), p. 21.

the personnel of the department in each case participates in the examination process. The Public Health Service controls the examination exclusively; the Coast and Geodetic Survey also controls the examination for presidential appointment, but its choice is limited to persons who have already been certified by the Civil Service Commission.

It is believed that the general position here taken in favor of the conduct of the examination process by a personnel entirely independent of the department has application to all three systems.

Organization for Internal Administration.—The extent to which what may be termed the internal processes of personnel administration—promotion, transfer and reassignment, salary increases, demotions, dismissals, lay-offs, etc.—should be controlled centrally has been very fully discussed in the chapters dealing with those phases, and need not be reviewed here. In general it may be said, however, that the principle of organization to be observed in this field is that of decentralization, the central agency being employed or invoked only when the departmental machinery is thought inadequate or unreliable. That the departmental authorities should always act in accordance with regulations promulgated by the central authority, and under strict central supervision. Nor should this supervision be confined to the review of documents. Effective supervision can be exercised only by the use of representatives of a caliber sufficiently high to command respect from the departments, who shall be free to participate in the discussions of the departmental authorities. Suggestions already made in the several chapters regarding the participation of such representatives of the central agency, in the processes of promotion, service rating, and removal are illustrative of the type of supervision which should thus be exercised.

Organization for Classification of Positions and Salaries.—The formulation of standard schedules of classes and grades of service, and of the compensation rates attached thereto, is manifestly a function for which the final responsibility

should rest in a central, rather than in a departmental, agency. The central agency can and should obtain invaluable assisttance, however, from an advisory body drawn from the departments. This advisory body should be organized primarily by classes of employment, each of the departments in which a given class of employment is found being represented on the committee for that class. For special classes or sub-classes of employment found only in one department or service, the membership of the committee would be correspondingly drawn from a single department or service. Since the schedule of classes and grades of service and of compensation rates for such a class of service primarily concern only the one department, the central agency may give to the recommendations of the departmental committee for this class of service a weight more nearly controlling than is given to the recommendations of the departmental committee generally. Nevertheless the final responsibility for the establishment of the classes, grades, and salary rates concerned must rest with the central agency and should not be divided.

The appraisal of specific positions to determine their allocation in the standard schedule is even more clearly an indivisible central function. Even here, however, departmental committees could exercise a function of information and criticism that should do much toward reducing the possibilities of injustice and of inequitable appraisal.

Organization for Determination of Physical Work Conditions.—The promotion of measures designed to promote the health, safety, welfare, or morale of the personnel is a function that naturally organizes itself along departmental, as well as central, lines. The central organization is needed for planning and coördination in this field, but the actual detailed execution should be left preferably to the several departments, which should maintain organizations of their own for this specific purpose.

Organization for Elimination of Political Considerations.—The suppression of political assessments, political coercion, and improper political activity, being directed chiefly against

the principal administrative officers themselves, must manifestly be a central function.

Dual Character of the Problem of Central Personnel Administration.—Analysis of the problem of central administration as set forth above shows that the functions pertaining to a central administrative agency fall into two distinct categories: those having for their purpose to assist the several operating services in meeting their personal needs and those having for their purpose to supervise and control such services in the practical work of handling their personnel. As a recruiting agency the central service is nothing more than a supply service, one having for its duty to supply the personnel needed by the several operating services. As a supervisory and controlling agency its function is to see that the operating services organize and operate proper systems for insuring efficiency on the part of their personnel, determining on a merit basis assignments, increases of salaries, promotions, transfers, and the like, and that those in authority are not actuated by improper motives in handling these matters.

It is elementary that two distinct functions, particularly when the ends in view are of a diverse character, should never be combined in the same organization unless a positive case for so doing can be made out. It is evident in the present case that the attempt by the same organization to perform both of the functions that have been mentioned presents serious difficulties in respect to the effectiveness with which each may be performed. Where the promotive or assisting function, as represented by the recruitment of personnel, is carried on by the same agency that also carries on the regulatory work, it is difficult for the departments to assume toward that agency a wholly coöperative attitude. That this result actually has ensued in the case of the Civil Service Commission is hardly open to doubt. Generally speaking, the departments are inclined to regard the latter as a restrictive rather than a coöperative or service agency. The divorce of the recruiting function from the regulatory function would thus make it far

easier for the central recruiting agency to develop a truly co-operative attitude toward itself on the part of the departments.

In view of the foregoing the question is presented whether the present system of vesting both assisting and controlling functions in respect to personnel matters in a single agency, the Civil Service Commission, is not fundamentally wrong, and whether better results could not be secured by making provision for two agencies, one to concern itself wholly with recruitment and the other with matters of general supervision and control.

Even from the standpoint of the work itself, regardless of departmental relations, the independent organization of the recruiting work has a high value. From the standpoint of volume of work and of the force required, the recruiting work of the central agency is almost invariably far greater than the regulatory work. This has been particularly so in the case of the Civil Service Commission because its regulatory functions have been left comparatively undeveloped, while on the recruiting side it has occupied almost the whole of its possible field. But even with a much fuller development of its regulatory functions, they would still be considerably less important from the standpoint of volume alone than the recruiting function. The natural result of this situation is that the attention which must be given to the recruiting work by those in charge of the central agency militates against the fullest development of the regulatory functions and against their most efficient administration. An agency devoted exclusively to regulatory work and relieved from all responsibility of recruiting work would be able far more effectively and adequately to exercise the powers of regulation entrusted to it.

One special aspect of this matter is perhaps worthy of mention. In the exercise of its regulatory powers in connection with matters of promotion, transfer, and the like, the regulatory body necessarily sits in judgment, as it were, upon the efficiency of the recruiting process. Manifestly this responsibility better becomes the regulatory body when that body is not itself responsible for the recruiting system. Moreover,

the regulatory body is then in a position to give to the recruiting system, at least at those points which are involved in this connection, an impartial criticism not now available, which should be most salutary and beneficial for the recruitment system.

If the recruitment system be thus independently organized, there would seem to be no need of placing it in the hands of a board. The function of recruitment is a purely technical one. A single commissioner, who would discharge substantially the same functions that are now discharged by the Chief Examiner of the Civil Service Commission, but with far higher standing and prestige, on general principles, would be more effective than a board.

The work of the regulatory authority, on the other hand, is judicial. It affects in an important way the rights and fortunes of individual employees and prescribes the regulations by which its own and departmental action in matters coming under its jurisdiction shall be guided. It necessarily exercises, moreover, powers of a legislative character. It is on all accounts proper, therefore, that a board of at least three be provided for the purpose. In view of the importance of the decisions to be made, it would possibly be better to have a larger board than three. A board of nine has been suggested by the advisory committee appointed by the Reclassification Commission.

It is also suggested by that committee that the board be composed of an equal number of representatives of the employees, of the administrative officers of the government, and of appointees of the President, the precise manner of selection of the employee and the management representatives not being specified. If a practical method of selection could be worked out, there would be much to recommend this proposal. It would enable the management and the employees to get their views before the regulatory authority, not from the outside, as is now the case, but within the regulatory body itself; while at the same time the members appointed directly by the President would hold the balance of power in any issue on which

the management and the subordinate employees might be at variance, through a divergence of interest, fancied or real.

Regardless, however, of the size of the central regulatory body, new principles should be observed in its composition. It should be wholly non-partisan, and it should have a more permanent tenure than is now possessed by the Civil Service Commission. The present requirement of the civil service law that not more than two of the three members of the Civil Service Commission shall be members of the same political party has not prevented that body from time to time from having something of a political character, though it must be said that some presidents, notably Roosevelt, have permitted the majority of the Commission to be of the opposite political faith over a considerable portion of their administrations. A truly non-partisan character in the Commission can be assured, however, only by establishing a position of permanence in office more firmly than it is believed to exist at the present time. This can be done effectively, it is believed, only by the application of the system now found in the organization of the Interstate Commerce Commission; that of appointment for fixed terms, such terms to be overlapping, and with the removal power, though legally still unimpaired in the hands of the President, hedged about with the moral restriction of a statutory declaration that it shall be exercised only for reasons necessary for the good of the service and to be communicated to Congress or to the Senate.

Finally, it would be well to provide in the act that the persons selected as Civil Service Commissioners shall be persons experienced in public administration. It is believed that were all these provisions to be put into effect there would be developed, in a relatively short time, a tradition of permanence and non-political character for the Civil Service Commission that would result in a distinct improvement, not merely in the personnel of that body, but in the regard in which the whole system of civil service administration stands in the public estimation.

Desirable as are these changes in the organization of the

central regulatory body, their effectiveness must continue to be limited until an adequate salary is provided for the members of the board. The present salary of the Civil Service Commissioners, $4,000 per annum, is pitifully inadequate. Members of the personnel regulatory board, whatever their numbers, should receive at least a compensation as great as and probably greater than that received by the chiefs of any of the bureaus or independent establishments of the government.

The question of whether the recruiting and regulating functions should be united or separated is the major question in the organization of the central personnel administration. This decided, the organization of the other functions of personnel administration may be determined on more readily.

The formulation of a standard schedule of classes and grades of service, and of compensation rates, is one which principally concerns the regulatory body, since it is that body which is to promulgate the regulations for and administer regulations for increases of salary, promotion from grade to grade, transfer from class to class, and the other varied questions involved in the administration of a large personnel system, which should in every case involve a consideration of the standard schedule of classes and grades. So far, however, as the positions and grades in the schedule are original entrance positions, the formulation of the schedule is of interest also to the recruiting agency, and provision should be made for its coöperation with the regulatory agency. The function of appraising positions and allocating them to standard schedules is one which primarily concerns the regulatory agency. The recruitment agency is hardly concerned at all. The promotion of the health, safety, and morale of the personnel is a function which does not bear any close relation to either the function of recruitment or regulation, nor is it apparent that there is any advantage in associating it with the organization scheme of either of those functions. The Public Health Service suggests itself as an agency that might have this matter in charge.

The last of the major classes of functions to be performed by the central personnel administration—that of suppressing and detecting political coercion and improper political activity in the service—is similarly a function pertaining to the regulative rather than the recruiting agency.

Departmental Organization.—It would involve too great a departure from the purpose of the present work to enter into any detailed consideration of the technical problems involved in setting up and operating the machinery required in each department or service for the proper handling of personnel matters. It is proper, however, to point out that scarcely a beginning has been made by the several departments and services of the federal government towards the provision of the machinery that is required for the proper handling of this branch of administration. The existing offices of appointment clerks are for the most part but offices of record or for the formal performance of certain duties. What is required is that these offices shall be expanded so as to give to them responsibility in respect to practically all personnel matters. The appointment clerk should have a status and character comparable to that of the employment manager of big private corporations. It should be his responsibility to see that proper systems for assigning, rating, and determining the efficiency of employees are devised and properly operated. The existence of such a departmental personnel manager, furthermore, would facilitate greatly the central personnel agencies in the proper performance of their duties.

CHAPTER XVI

EMPLOYEES' ORGANIZATIONS AND COMMITTEES

The question of the place of organizations of employees in a system of public personnel administration presents itself in two forms: (1) The desirability of employees effecting organizations along trade union lines and in case of the formation of such unions, the relations that such unions should have to unions composed of persons other than government employees; and (2) the desirability of the constitution by government employees of committees having for their purpose to represent them in respect to making known their desires as regards their employment conditions. The first aspect of this question will be considered under the head of "Employees' Organizations," the latter under that of "Employees' Committees."

Employees' Organizations.—Until recent years the problem of eliminating politics from the federal personnel system has been confined to preventing the politicians from using the personnel system for political ends. Within recent years, however, the problem has emerged of preventing the organized employees from using their political power to compel the political government to take action in personnel matters that is not warranted or demanded by administrative considerations alone.

Although this problem is of comparatively recent development in the United States, it is not novel. Sooner or later it is encountered in every large public personnel system in which the employees have political rights and are permitted to organize for the collective use of their political power. Although old and universal, the problem presents itself with varying force and emphasis in different systems because of

the varying distribution of the political and administrative power in the several governmental organizations.

In Great Britain the existence of "dock-yard constituencies"—that is, "navy-yard constituencies"—has long been recognized.[1] The control of such constituency over members of Parliament, however, is much weaker than in a similar case in the United States for the reason that the English member is not irrevocably bound to any one constituency, since if defeated in one he may seek election from another district.

In Victoria the political power of the organized workers on the state railways became so pronounced and threatened so continuous an increase that the constitution of the province was amended so as to deprive all civil servants, including the railway employees, of their rights of general suffrage, substituting therefor the right to elect a fixed number of members who would be officially recognized as representing the interests of the Civil Service.

Existing Employees' Organization.—A large proportion of the federal employees are members of employees' organizations, in the nature of trade unions. In the postal service unionization is fairly complete, there being large national organizations of postal clerks, of letter carriers, and of railway mail employees, not to mention an organization of presidential postmasters. In the service outside the postal department is found the National Federation of Federal Employees, composed of a number of local "Federal Employees' Unions" located at a number of different points throughout the country.

The peculiar feature of the Federal Employees' Unions embraced in the National Federation of Federal Employees is that their membership is confined to no single occupational group and no single branch of the service but is open to any and every federal employee, other than postal employees, of whatever occupation and in whatever branch of the service employed. In the smaller places all the federal employees in the locality are members of a single, undifferentiated local federal employees' union, and in the larger places, as at Wash-

[1] See Lowell, *The Government of England,* vol. I, p. 149.

ington, are found two or more distinct local federal employees' unions, each one embracing a different part of the service.

In addition to these organizations, which are distinctively for federal employees, a very large proportion of the federal service is composed of men engaged in mechanical trades who are members of the regular craft unions of their respective trades, precisely as if they were employed in private industries. Most of the plant personnel of the Government Printing Office at Washington and of the Bureau of Engraving and Printing in Washington, and almost the entire mechanical personnel of the various arsenals and navy yards fall under this category. In addition a number of miscellaneous field employees found at various points throughout the country are members of the regular trade unions of their class. In certain towns, where the skilled mechanics of a given class are, for the most part, federal employees (as is the case in certain of the arsenal and navy-yard towns) the local craft unions are in effect unions of federal employees.

All the postal unions, the National Federation of Federal Employees, and, needless to say, all the craft unions to which the mechanical employees belong are affiliated with the American Federation of Labor. It thus results that these federal employees' organizations are able, to a certain extent, to marshal behind the demands or requests which they make upon Congress the support of the American Federation of Labor.

Legislative Activities of Employees' Organizations.—Until within the last few years, the attempt of these organizations to influence Congressional action has been confined, with insignificant exceptions, to the postal service. In foreign countries also it has almost always been in the postal service that the movement for the organization of public employees and for the use of their organized political power has first developed. The industrial character of the postal service, as contrasted with the administrative character of the work of most government services, the large numbers of men employed in identical operations, and their distribution over every part of the country, are the obvious reasons for this phenomenon.

In 1888 when the bill providing an eight-hour day for letter carriers was before Congress, it had the active support of the Knights of Labor, then occupying a place in the labor movement similar to that now held by the American Federation of Labor. The carriers were not then organized, but it was generally understood that in return for the support of the Knights, the carriers would support the candidates, both national and local, endorsed by the Knights.[1]

In the following year a national organization of the letter carriers was effected, followed, two years later, by the formation of a national organization of the railway mail clerks. Both these organizations, however, were beneficial in character. So far as they developed any interest in compensation or working conditions, they did so under the tutelage of the supervisory officers of the post office department. Even the selection of their national officers, in whom the active direction of the organizations was vested, was largely influenced by the department. The organization of post office clerks, formed nine years later, in 1900, was of similar character.

Although the general policy of the three organizations mentioned was thus a passive one, the demand among the postal employees for a revision of the compensation schedules in force was so insistent that the organizations perforce put their active support behind the bills on this subject which were introduced in Congress beginning in 1898. Despite the support of the American Federation of Labor, however, the organizations found themselves unable even to obtain a hearing before the House Committee on Post Offices. The chairman of that committee, E. F. Loud, was regarded as primarily responsible for the attitude of the committee; and an agreement appears to have been reached between the postal organizations and the American Federation of Labor to work for his defeat in the 1904 election. Doubtless largely because of this opposi-

[1] For data on this and several other points connected with the early history of the postal organizations the writer is indebted to an unpublished manuscript by Benjamin Glassberg, in the library of the New York Bureau of Municipal Research, dealing with the organization and political activities of public employees.

tion, Mr. Loud was defeated. This represents the first instance, and one of the few instances, in which a member of Congress has been publicly singled out for defeat by the organized employees.

The activity of the postal organizations in connection with the salary revision legislation was regarded as improper by President Roosevelt, and, on January 31, 1902, he issued an executive order forbidding all officers and employees "either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interests, any other legislation whatever, either before Congress or its committees or in any way save through the heads of departments under or in which they serve, on penalty of dismissal from the Government service." [1] It will be observed that this order, although obviously aimed at organized attempts to influence legislation, by its terms, would seem to prohibit the individual employee from soliciting any assistance from his Congressman for the purpose of securing an increase in pay. In this field, it was not very effective, though it did have some influence on the situation. Even with respect to the activity of organizations or organized groups it was not scrupulously observed; nevertheless, it constituted an irritating check on the activities of those organizations.

By order of November 26, 1908, the prohibition was made more sweeping. It provided that

> no bureau, office, or division chief or subordinate in any department of the government, and no officer of the army or navy or marine corps stationed in Washington, shall apply to either House of Congress, or to any Committee of either House of Congress, or to any Member of Congress, for legislation, or for appropriations, or for Congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, except through, or authorized by, the head of his department.

[1] Nineteenth Report of the United States Civil Service Commission (1902), p. 75. By amendment of January 25, 1906, this order was extended to include also the independent establishments.

It will be seen that the outstanding addition to the earlier order was that the employees were prohibited from communication with Congressmen or Congressional committees not merely on their own motion but also in response to requests for information which might originate in Congress, its committees, or with individual Congressmen.

By order of April 8, 1912, the preceding orders were made less rigorous nominally, not by withdrawing the prohibition of communication between employees and Congress but by providing that such communications "shall be transmitted through heads of their respective departments or offices, who shall forward them without delay with such comment as they may deem requisite in the public interest." It needs but slight familiarity with the conditions of the public service to surmise that there would be few instances in which the employee, or even a group of employees, would venture to forward through the head of the department for transmission to Congress "with such comments as he might deem suitable," a petition or request which they knew to be definitely opposed to the wishes of the head of the department or indeed of their immediate superior.

The severity of the restrictions imposed by these orders upon the activities of the postal organizations and of other less formidable groups of employees, including the military and naval officers, led to a determined effort to secure their repeal by Congressional action. How this was achieved in the face of the orders it is not necessary here to inquire; but, by act of August 24, 1912, Congress provided [1] that "the right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress or any member thereof or to furnish information to either House of Congress or to any committee thereof, shall not be denied or interfered with." [2]

[1] 37 Stat. 583. This provision was a proviso to a section regulating the procedure to be followed in making removals from the classified service.

[2] The section also provided that the presenting by any such person or groups of persons (in the postal service) of any grievance or

Meanwhile, in 1905, a development of primary importance had occurred—the formation of a national association of postal clerks organized along trade union lines with the specific purpose of working for improved compensation and labor conditions, and affiliated with the American Federation of Labor.[1]

The organization of this association, "The National Federation of Post Office Clerks," represented a clear-cut revolt against the policy of departmental tutelage and non-affiliation which characterized the United Association of Post Office Clerks formed five years before.

The postal organizations, since their first activity in the late nineties in connection with the reclassification bills mentioned above, have been continuously engaged in pushing legislation affecting compensation, hours of labor, and working conditions in the service. For some years the policy of conciliating the department was pursued more or less consistently by the officers of all the organizations except the Post Office Clerks' Federation, and they restricted their activity to the advocacy of measures not too violently opposed by the department; but in 1917,[2] despite the well known opposition of the department, both the carriers' and railway mail associations affiliated with the American Federation of Labor. A complete break was thus made from the tradition of departmental tutelage, and at the same time was secured a most effective ally in the legislative battle. It may be ventured that the speed

grievances to Congress or any member thereof, should not be cause for reduction in rank or compensation, or removal. This provision, however, would not seem to have been unnecessary in view of the general rule applicable to the entire civil service above cited.

[1] Already in 1898, in the Chicago Post Office, always a storm center in movements among the postal employees, the clerks had formed an organization and affiliated themselves with the Knights of Labor; and, two years later, had transferred their affiliation to the growing American Federation of Labor.

[2] The United Association of Post Office Clerks also sought to affiliate with the American Federation of Labor but was unable to do so because the National Federation of Post Office Clerks, formed in 1905, was already affiliated. Several unsuccessful attempts to amalgamate these two organizations have been made. At the present time it seems likely that the Federation will gradually absorb the Association. The Rural Carriers' Association has not affiliated with the American Federation of Labor, nor, as may be inferred from the character of its membership, is it likely to do so.

and smoothness with which the bill creating the postal salary reclassification commission in 1919, and the bill embodying the recommendations of that commission in 1920, became law were due in no small measure to the influence which the co-operating postal organizations and the American Federation of Labor were able to exert in Congress.

The influence in Congress of employees' organizations affiliated with organized labor was first exerted in an important way, in relation to branches of the service other than the postal service, in 1915. In that year, under the urging of the American Federation of Labor, acting at the instance of the International Association of Machinists, Congress attached to the army appropriation bill a rider prohibiting the use of any money appropriated therein for the payment of any employee engaged in making time studies or speed tests. This provision was aimed particularly at the attempt of the Chief of Ordnance to apply to the arsenals the methods of so-called "scientific management." The provision proving only partially effective, it was superseded in 1916 by an act directly prohibiting the use of the stop watch or any other time measuring device for the purpose of making a time study of any job of any employee of the government. Provisions to this effect are now attached to the annual appropriation acts as a matter of course.

The comprehensive organizations of the federal employees not members of organized trades, outside the postal service, may be said to have begun in 1916. Prior to that time sporadic attempts at organization had been made, sometimes with an idea of permanence, sometimes merely to further specific measures, such as retirement legislation. In some of the field services organizations or particular classes of employees had developed here and there, such as the association of storekeepers and gaugers in the customs service, composed mostly of minor political employees and having mainly a political character. None of these organizations, however, made any real impression upon the situation or endured for any considerable length of time, and in no case outside the postal service

was the attempt made to organize on a national scale embracing the whole of the service.

In 1915, federal employees in San Francisco founded a local organization that called itself the "Federal Employees' Union" and affiliated with the American Federation of Labor —a step wholly novel for any organization of federal employees outside the postal service. Its example was imitated in a number of cities and, by 1916, no less than fifty different local unions of federal employees had sprung up all affiliated with the American Federation of Labor. After affiliation with the national central labor body, the formation of a national organization of federal employees was a natural step and in 1916 the National Federation of Federal Employees was formed, all the local unions of federal employees becoming constituent bodies of the Federation and the Federation in turn affiliating itself with the American Federation of Labor.

That after so many decades of relative inactivity among the non-postal, non-trade employees it was possible within a few years to create an organization on a national scale is, in many respects, surprising. Undoubtedly, however, the time, if not ripe, was at least favorable for the development of a national organization of the federal employees. With organization going on apace in every branch of industry and in state and municipal services it would have been surprising if some substantial progress in the same direction had not been made in the federal service. The rapid progress is to be attributed, however, mainly to the persistent efforts in Congress to enact a law, particularly obnoxious to the employee, providing for a minimum eight-hour day in the departmental offices in Washington. This particular proposal immediately aligned with the employees' organization the powerful influence of the American Federation of Labor, in whose program the reduction of hours, even below the eight-hour limit, is fore-shadowed and which, in any case, would necessarily oppose on principle the fixation by legislation of a minimum number of hours. Supported by the American Federation of Labor the organization, even in its infancy, was able to make a demonstration

of effectiveness in preventing the enactment of this legislation which immediately attracted the attention of federal employees the country over.

The growth of the employees' organizations has been directly and unmistakably reflected in the growing influence which they exercise upon legislation. Particularly has this been so in connection with the National Federation of Federal Employees. Two important measures in the enactment of which the influence of this organization was distinctly felt were the act creating the Reclassification Commission and the act establishing a retirement system, the first passed by the Sixty-fifth and the second by the Sixty-sixth Congress. The retirement act in particular may be said to have been forced to passage by the employees' organizations. Indeed, in the report submitted to the Senate by the Committee on Civil Service and Retrenchment recommending the enactment of that act, the committee made repeated reference to the support given to various provisions of the bill by a committee of employees whose advice it had sought (which committee was in fact designated by the employees' unions) and made no reference whatever to any support given to any particular provision of the bill either by any administrative officer or by any outside source representing citizen interest. The instance is all the more significant because such impartial criticism as that given to the measure by qualified outside organizations was substantially unanimous in condemning its provisions as improvident and not developed upon a sound actuarial basis.[1]

While the methods of attack of all the employees' organizations is substantially the same, the National Federation of Federal Employees appears to have developed its tactics more fully than any of the other organizations, and they are accordingly worthy of special study. The constitution of the organ-

[1] Repeated reference is indeed made in the report to the recommendations made and data supplied by a certain employee of the Pension Office, the implication being that this individual had advised the Committee in the character of an impartial expert. In point of fact the employee referred to was one of the most important and active members both of the National Federation of Federal Employees and of the so-called Employees' Retirement Conference.

ization declares that its methods for obtaining its object shall be "by petition to Congress, by creating or forcing public sentiment favorable to proposed reform, by coöperation with government officials and employees, by legislation and other lawful means." It is the "other lawful means" that are most significant for the purpose under discussion. What these are is well illustrated by an extract from the report of the legislative committee of the Federation to its annual convention in 1919: "Because of the fact that residents of the District of Columbia have no vote, the largest Local in the National Federation, that is, the organization of the employees in the Washington service, has the least direct influence upon Congress. The National Legislative Committee pointed out, therefore, to officers of the local the importance of organizing a back fire upon members of Congress by friends and relatives of the members of the local who are voters in their own states. The union responded promptly to this and is now making a detailed catalogue of its members according to Congressional districts. This will unquestionably augment the legislative forces of the National Federation to a vast degree." [1] Instances could readily be multiplied from the literature and the press notices issued by the organization of the employment of similar methods.

With methods of this kind in active and energetic use in the hands of skilled union officers, and the officers of the employees' unions have unquestionably displayed a high type of ability in this field, it is easy to believe that the President of the National Federation is not overstating the case when he says that "in Congress, where two years ago a favored road to cheap popularity was sarcasm at the expense of the government employee, the few members who now indulge such tactics are ridiculed by their fellow members and repudiated by their political parties. The Federation's requests are listened to and its support is sought by members of Congress as a political asset." [2]

[1] National Federation of Federal Employees, Report of the President, Legislative Committee and Secretary-Treasurer, 1919, p. 5.
[2] *Ibid.*, p. 1.

It may be hazarded, however, that the employees' unions themselves could not have built up the important influence which they now exercise through their own members alone, however well chosen and well executed the methods employed. Unquestionably a major element in that influence has been the affiliation of those unions with the American Federation of Labor.

Through this affiliation the potential power of that organization stands behind every attempt which may be made by the employees' unions to secure favorable Congressional action in matters of hours, wages, working conditions, etc. The source of strength in the American Federation in Congress is common knowledge. It consists in the ability to encompass, or at least to threaten, the defeat for reëlection of almost any member of Congress who comes from a district in which organized labor is a factor, and in not a few states the ability to affect seriously the chances of reëlection of a Senator. It is not commonly appreciated that in the more or less equal division of the voting strength between the two parties that normally prevails in most districts and in many states, an organized group, even though relatively small, which is able to throw the entire voting power of its membership on one side or the other of the scales, is a factor whose importance is out of all proportion to its relative numbers as compared with the entire voting population of the district or state. It thus results that to an increasing degree a Congressman, who represents a constituency in which organized labor is an important political factor, opposes the wishes of the employees' unions at his peril; and even a Senator cannot ignore them with entire impunity.

The National Federation of Federal Employees, up to the present time, has made perhaps more consistent and direct use politically of its affiliation with the American Federation of Labor than have the postal unions. Nor has it made any attempt at concealment of this coöperation. Witness the following from an article in the official organ of the Federation by its President:

What has the National Federation of Federal Employees gained by its affiliation with the American Federation of Labor? 1. It was the A. F. of L. that at the beginning of our organization's history defeated the Borland amendment [1] the first time it was introduced in Congress. Later the A. F. of L., under the leadership of President Gompers, was largely instrumental in bringing about the veto by President Wilson of the Legislative bill because it contained the Borland amendment.

2. It was the membership of the A. F. of L., through its affiliated body, the Central Labor Union of Kansas City, that cast the votes which defeated Representative Borland in the primaries in his district in 1918, and prevented his return to Congress. This happened because we were affiliated to the A. F. of L.

3. It was the membership of the A. F. of L., through its Central Labor Unions in every state that asked Congress, at our request, to grant the war bonus, first of $120 per year, and then of $240 per year, which 200,000 federal employees are now receiving. Those central labor unions, representing millions of votes throughout the country, helped us because we were affiliated to the A. F. of L.[2]

Right of Employees' Organization to Affiliate with Outside Organizations.—The right of federal employees' unions to affiliate with the American Federation of Labor is, so far as the postal service is concerned, now recognized, at least impliedly, by statute. Logically the same principle extends to all other classes of employees. By act of August 24, 1912,[3] Congress provided that persons in the postal service should not be reduced in rank or compensation or removed because of "membership in any society or association or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage them in strike or proposing to assist them in any strike against the United States." Since the terms of affiliation of the postal unions with the American Federation

[1] An amendment to an appropriation act requiring eight hours' labor by all employees.

[2] "Our Relations with the A. F. of L.," by President Luther C. Steward, N. F. F. E., in *The Federal Employee*, November 29, 1919, p. 2.

[3] 37 Stat. 555.

of Labor do not require them to engage in any strike against the United States, nor propose that the American Federation of Labor shall assist the postal unions in any strike against the United States, this condition in effect legalizes the affiliation of the postal unions with the American Federation of Labor.

During the debate on the retirement bill in 1920 an amendment was moved in the Senate barring from the benefits of the act any employee who was a member of any organization of government employees which is "affiliated with, subject to, or a member of, or component part of, or acknowledges the authority of, any higher or superior body or institution of organized labor." [1]

The arguments advanced in the extended speeches made in support of this amendment may be reduced to four: first, that the American Federation of Labor had taken a position against the government in the steel strike and the coal strike, and that affiliation with the Federation, therefore, put the employees themselves in the position of being "against the government"; second, that the American Federation of Labor was a class organization and that it was improper for a member of the government service to be affiliated with an organization which represented a particular class; third, that the American Federation of Labor was engaged in a political campaign against the Congressmen and Senators who had incurred its disfavor by their votes upon legislation, and their affiliation with it, therefore, put the organized federal employees in the position of conducting a political warfare against members of Congress; and fourth, that through this affiliation, the federal employees were attempting to coerce Congress into the enactment of legislation favorable to their own interests.

The first three of these objections are beyond the range of the present volume and merely call for a remark upon the

[1] *Congressional Record*, April 2, 1920, p. 5530. It can hardly be believed that the enactment of this resolution was really expected or even hoped for by its mover. Its practice would have meant the exclusion from the benefit of the act of the overwhelming majority of the employees of the government.

pernicious tendency to restrict still further the anomalous position of the federal employee by adding to the restrictions upon his political activity restrictions upon his expression of economic views. The last objection mentioned, however, is germane to the present discussion.

Right of Employees' Organizations to Strike.—It now remains to take notice of a question which is now and again raised—the right of the federal employees to strike. Properly regarded, this is not a problem of personnel administration at all. The threat or possibility of a strike in any branch of the federal service is a symptom of a gravely defective system of personnel administration in that branch. Did there exist in the federal service a well designed machinery for the presentation by the employees of their views, both on current minor grievances and on the basic questions of compensation, hours, and working conditions, and an impartial administrative board vested with adequate authority to rectify improper conditions, thus presented to it, the possibility of an attempt to strike would never arise. Even under present conditions, where virtually no machinery exists, where in certain branches of the service the administrative officers have flatly refused even to discuss matters with the representatives of the employees' organizations, and where relief can be had in most cases only through the tedious process of legislation, there has never (except perhaps in two or three instances so peculiar and doubtful as to be insignificant) been any resort to the strike weapon by the federal employees.

If the experience of the past and an impartial estimate of the present situation may be relied on, so long as reasonably tolerable compensation and working conditions are provided in the federal service, there is no danger whatever that the question of the right of federal employees to strike will become a practical one. For the present it seems somewhat ideal, therefore, to consider the controversial, legal, and theoretical aspects of the question. Such discussion usually tends, moreover, to obscure rather than to emphasize the need of the development of a system of personnel administration which will

make strikes of federal employees improbable rather than illegal.

All this rests, of course, on the assumption that the wholly reasonable, not to say submissive, temper which the federal employees have consistently manifested, will continue. Should a different temper develop among any important bodies of federal employees, a different question would be presented. There is little likelihood that even so the question would be raised in any important way by any group of federal employees in the ordinary administrative or mechanical branches, since it is hardly conceivable that the government would be coerced by a strike or threatened strike of such a group. It is only in a few services, of which the postal service is far the most important, that a strike, if permitted, might actually bring the government to terms; and it is only in such services, consequently, that the strike weapon would be likely to be invoked by the employees under any circumstances. Should a disposition ever develop among the employees in such services to use the strategic power which their employment confers upon them to enforce demands which are rejected by the common judgment of the nation, there will be presented a fundamental political and social problem which lies wholly outside the sphere of technical personnel administration to which this problem is devoted, in the contentious realms of political theory and practical politics.

General Conclusions Regarding Place of Employees' Organizations in a Government Personnel System.—A situation in which the personnel legislation of Congress is shaped largely by the political power of the organized employees is wholly improper. A just and equitable solution of the federal personnel question is not to be expected from the action of Congress or a committee of Congress susceptible to such coercion. The employees represent a special interest, and their demands by no means may be consistent in all cases with public interest. It is idle to retort that the public should organize itself as thoroughly as the employees to oppose such demands of special interests as are inconsistent with the gen-

eral public interest. No general public interest is ever organized as thoroughly or as consistently as a special interest.

On the other hand, to condemn the employees for the course they have taken would be worse than futile. Without organization they were for years entirely at the mercy of their administrative superiors and of Congress, and in large measure they still are, and, as a study of subsequent pages will show, their interests have been neglected in vital respects. Only through organization have some of the most essential improvements of recent years been effected.

Again, as long as power over personnel matters is wholly retained in the hands of Congress, the employees have no alternative but to organize and to attempt to secure from Congress the enactment of what they regard as their just demands. Congress, however, has been notoriously slow to act in personnel matters when impelled merely by the force of right reason, but notoriously quick to act when its members fear that the effect of their inaction may be reflected in the ensuing election returns. It is thus wholly natural and inevitable that the employees should seek to influence Congressional action by the quicker and more certain methods.

The remedy for the wholly undesirable relationship that now exists between the employees' unions and Congress is to be found unquestionably only in the delegation by Congress of virtually all its present control over personnel matters to an administrative body, the members of which, on the one hand, would not be subject as are the members of Congress to political pressure from the employees, and on the other hand, would be free from domination by the administration. Despite their increasing success in securing desired legislation from Congress, the employees' organizations, or at least the National Federation of Federal Employees, have themselves recognized the impropriety of Congressional regulations of personnel matters in detail. The National Federation has stood consistently for the development in the government of a central personnel agency vested with large powers over personnel matters, substantially as herein urged.

Nor must it be thought that because exception has been taken on principle to the political activity of employees' organizations, criticism is intended of the specific measures for whose enactment the employees' organizations have been more or less completely responsible. With the single exception of the Retirement Act, the measures contended for by the employees' organizations have been in the main well considered, and would long ago have been placed upon the statute books without the intervention of the employees, had Congress had a correct understanding of the personnel problem. It is rather to the future that the exception herein taken to the continuance of political activity on the part of employees' organizations is directed.

Employees' Committees.—The desirability of providing some machinery by which the opinions of the body of the subordinate personnel on matters of personnel administration may be authoritatively brought before the responsible administrative officer is obvious. Where the service is small, a formal machinery for securing such an expression of opinion may not be necessary. As soon as a service reaches any considerable size, however, conditions change and the institution of formal machinery for the securing of an authoritative and general expression of opinion becomes desirable.

In general it may be said that the system of personnel administration now in force in the federal service is autocratic. Only here and there has provision been made whereby the rank and file may be given an opportunity even to express themselves with respect to the conditions under which they work, much less to have any voice in determining those conditions. In the smaller services the absence of any formal provision of this kind has not been felt keenly because the informal contact between the directing and the subordinate personnel has served, however imperfectly, a similar purpose. In the larger services, however, of which the postal service is the outstanding example, the total absence of provision for conference between the rank and file and the management which now exists is rarely found in the more progressive industrial concerns of the country.

Existing Machinery for Employees' Representation.—The progress which has been made up to the present time in the federal service in the development of official machinery for conference is minor. In some of the administrative branches there has long been in vogue the institution of the staff conference, in which all the employees, or, as more commonly happens, all above the routine grades, are periodically assembled by the chief for the more or less free discussion of service matters. Aside from these, which can be regarded as falling under the head of conference machinery only by courtesy, the actual experiments in conference machinery in the federal service are so few that they can be specially enumerated.

In the navy yards since shortly after the outbreak of the war the mechanical employees have had representation on the so-called wage boards. The function of these boards is limited to the collection of data concerning the compensation rates paid in similar employments in private industry. At this writing there has yet displayed itself no tendency towards the development of these wage boards into conference committees of general jurisdiction.

Undoubtedly the most complete and thoroughgoing action in the direction of creating conference machinery in the federal service thus far taken was that taken by the Commanding Officer of the Rock Island Arsenal (Colonel Harry B. Jordan), on July 1, 1919. By an order issued on that date there was created in the arsenal a central council composed of three employees from each department, this council to select from its number five members to meet with the commanding officer and four officers appointed by the commanding officer as the representatives of the management, in a so-called Joint Conference Committee. In addition the three representatives from each department are constituted a departmental committee to confer with the head of the department on departmental matters.

From all reports the institution of this system of organized machinery for conference between the employees and the man-

agement has had the happiest results not merely in eliminating causes of dissatisfaction on the part of the employees but in enlisting the employees as a constructive force in the management with resulting increased production.

Particularly interesting in connection with the Rock Island machinery is the decision of the temporary conference committee handed down on August 14, 1919, shortly after the act of personal selection of representatives to the council had been held:

> The Temporary Conference Committee having been asked for a ruling on the eligibility of foremen to represent employees on the Central Council is unanimously of the following opinion:
>
> The Central Council is wholly an organization of employees, intended to represent the point of view and needs of the employees to the management. It would, therefore, manifestly take away from the Council its representative character if members of the managerial force were upon it. Consequently, it is now definitely agreed between the Temporary Conference Committee and the Commanding Officer that no person having supervisory power with the power of recommending employment or discharge shall be eligible to act as departmental representative on the Central Council.

The action taken in the Rock Island Arsenal has not yet been extended even to the other arsenals operated by the Ordnance Department, nor has the Secretary of War as yet seen fit to impose the same plan upon the other industrial services under his direction.

In the non-industrial units there does not yet appear to be any significant development of official machinery for conference with employees. A comprehensive plan of this kind was proposed, indeed, for one of the largest of the non-industrial units, the Bureau of War Risk Insurance, in 1919, but owing to the instability of the personnel of the organization at that time the proposed plan was eventually abandoned. The plan was sponsored by the National Federation of Federal Employees, and it is worthy of note that it provided for the selection of the employee representatives not by the general body of

employees but by the War Risk Branch of the Federal Employees' Union. It further provided that the President of the National Federation of Federal Employees should be *ex officio* Chairman of the employees' delegation on the conference committee. It is believed that this proposed plan embodies clearly the defects inhering in the system of conference machinery based upon unofficial employees' organizations.

Attitude of Reclassification Commission in Respect to Employees' Representation.—To the Joint Congressional Commission on Reclassification of Salaries in the District of Columbia belongs the distinction of having been the first federal organization to make definite provision for a general system of employees' conference machinery. At the outset of its work in the spring of 1919, the Commission arranged for the selection of conference committees of employees for the several departments and services and also for the more important specific classes of employment over the whole service. Many of these committees, especially those representing particular classes of employment, were active throughout the work of the Commission and rendered great assistance. In the formation of the central departmental committees, the Commission permitted the officers of the National Federation of Federal Employees to designate the employee representatives, instead of resorting to a general election.

The Reclassification Commission, furthermore, has gone on record as definitely favoring a system of "personnel committees," by which presumably are meant conference committees. The Commission recommends that "one-half of the members of each personnel committee shall be selected by and from among employees exercising supervisory powers within the department or unit thereof and the remaining members shall be selected by and from among employees not exercising such supervisory powers." [1] The Commission also recommends the establishment of a board to be known as the Civil Service Advisory Council to be composed of twelve members, six to

[1] Report of the Reclassification Commission, Part I, p. 142.

be appointed by the President from among the employees above the rank of division chief, the remaining six to be selected by the employees (two from among the manual employees, two from among the clerical employees, and two from among the scientific and professional employees).[1]

It will thus be seen that, according to the recommendations of the Reclassification Commission, while the "personnel committees" are to be constituted on departmental lines, the employees' representation on the "advisory council" is to disregard those lines entirely and be based upon the division of the employees into groups by character of employment. Aside from the fact that the three groups mentioned are by no means comprehensive in their relation to the whole service, it is difficult to see why the Commission proposes an entirely new basis of representation in the council instead of allowing the council to be built up upon the departmental personnel committees. Particularly does this seem inconsistent in view of the function which the Commission assigns to the personnel committees. The important part which such committees can and should play in the day to day administration in the several departments and subordinate units through the conference with the departmental and division officers is apparently lost sight of, the recommendation being merely that to the extent that the Civil Service Commission "may deem proper, it may by rule or regulation provide that any grievance, dispute, or other matter arising in any department or unit thereof shall be conciliated by the personnel committee." But on the substantive matters of personnel policy and working conditions, the recommendation merely is that "it shall be the duty of each personnel committee from time to time to make suggestions and recommendations to the council." It is a question whether the function of such a committee should not be to make recommendations of this character first to the departmental officers concerned, the council being brought into play

[1] *Ibid.*, p. 141. The recommendations also provide for at least one of the six members appointed by the President to be a woman and one of the two members appointed by the three groups of employees to be a woman.

only when the departmental officers find themselves unable or unwilling to meet the views of the departmental employees.

An interesting minor provision contained in the recommendations of the commission is that "members of the council shall be allowed, subject to such regulations as the Civil Service Commission may prescribe, a reasonable amount of time away from the regular duties of their positions without loss of compensation when necessary in order to enable them to attend the meetings of the council or to perform other duties as members thereof." The Commission does not make a similar recommendation with respect to members of the personnel committee, though a similar provision is obviously equally called for.

Machinery for Conference in the British Service.—In the civil service of Great Britain conference machinery has reached a high degree of development. As in this country the first development was in the industrial establishments of the government. On July 1, 1918, the War Cabinet decided to adopt in principle the application of the recommendations of the Whitley Report, with any necessary adaptations to governmental industrial establishments where the conditions were sufficiently analogous to those existing in outside industries. Conference Committees now exist in virtually all the government local industrial establishments, and departmental conference committees, known as departmental joint councils also exist in each of the departments having such industrial establishments under its jurisdiction. There has not as yet been developed, however, any conference bodies covering all the departments of the government having industrial establishments. This fact is interesting as emphasizing the fact that the primary field for the activity of conference machinery is in the local establishments and their subdivisions, and it is only after the principle has been effectively applied locally that it can be extended with much result to the larger units—the department and the service as a whole.

The standard constitution adopted for the conference machinery of the several industrial establishments differs widely

from that established at the Rock Island Arsenal. In the first place the committees are constituted not merely for each department of the establishment but for each shop. In the second place it is provided that all these committees "shall consider only matters of a general nature." [1] Matters that are regarded ordinarily as exclusively trade questions, such as wages, piece prices, shop rules in relation to union rules, etc., fall under the jurisdiction of an entirely distinct committee known as the "Trade Committee." The final point of difference is that both the shop, department, and works committees on the one hand and the trade committees on the other are composed of representatives or stewards of the trade unions having members employed in the shop. In short, the trade union has been accepted as the sole and complete basis for employees' representation.

The emphasis upon the trade as opposed to the organization unit as the basis of employees' representation and of conference machinery is further emphasized by the fact that

[1] The following are specified as being matters "of a general nature."
(*a*) The issue and revision of works rules.
(b) The distribution of working hours; breaks; time recording, etc.
(*c*) The payment of wages (time, form of pay ticket, etc.); explanation of methods of payment.
(*d*) The settlement of grievances; other than those of a specific trade character.
(*e*) Holiday arrangements.
(*f*) Questions of physical welfare (provision of meals, drinking water, lavatories and washing accommodation, cloakrooms, ventilation, heating and sanitation; accidents, safety appliances, first aid, ambulance, etc.).
(*g*) Questions of promotion, position of foremen, etc.
(*h*) Questions of discipline and conduct as between management and workpeople (malingering, bullying, time-keeping; publicity in regard to rules; supervision of notice boards, etc.).
(*i*) Terms of engagement of workpeople.
(*j*) The training of apprentices and young persons.
(*k*) Technical library, lectures on the technical and social aspects of industry.
(*l*) Suggestions of improvements in method and organization of work; the testing of suggestions.
(*m*) Investigation of circumstances tending to reduce efficiency or in any way to interfere with the satisfactory working of the establishments.
(*n*) Collections (for clubs, charities, etc.).
(*o*) Entertainments and sports.

though no central body covering all the industrial establishments in the government service has yet been formed there are being developed trade councils having jurisdiction over all the trade committees of a given trade in all the industrial establishments over the whole service. The Ministry of Labour and the Treasury are also represented on these trade councils.[1]

Separate provision has been made for the organization of conference machinery for the non-industrial branches of the service. To these the name of "Administrative and Legal Departments of the Civil Service" have been applied. It is interesting to note that here the first body to be created was the service-wide body covering all departments. This is known as the "National Council for the Administrative and Legal Departments of the Civil Service." In addition, departmental machinery has been set up in no less than 62 departments according to the latest information. It does not appear that the development has proceeded as yet to any level below that of the department itself. It is to be recalled, however, that in the British government the departments are in many cases no more significant units of organization than are bureaus in our own system.

Perhaps the most striking thing about the scheme of organization provided for the departmental council is that membership in associations of employees instead of employment is made the basis for representation. The employee representatives are to consist "of members of the associations or groups of associations having members employed in the department." It is provided further than even "where an association has members outside as well as inside the department the electors for the department shall be the members of the association in the department." It is specifically left open to the electors so constituted "to use as their representative any member or official in the association who is employed in the civil service, or if not a person so employed a full-time officer of the asso-

[1] The Ministry of Labour is represented likewise on the departmental council.

ciation. The election shall in all cases be under the authority of the association itself."

The National Council for the Administrative and Legal Departments, promptly upon its organization, appointed several committees, of which the most important is the committee on the organization of the civil service. This committee rendered on February 17, 1920, a brief report dealing with the whole organization of the civil service, a most interesting document, not only because of the substantive recommendations which it makes, but because it supplements the several reports of Royal Commissions on the Civil Service. In contrast with those reports, which are based upon extensive testimony taken by commissioners not themselves in intimate contact with the services, this report embodies the result of the actual experience of the members of the committee in the Civil Service. Particularly interesting are the divergencies of opinion which developed between the members of the council representing the management and those representing the employees.[1]

Composition of Employees' Committees.—Like most other organization phases of the personnel system the organization of machinery for conference with the employees should be developed along both structural and functional lines; that is to say, conference machinery should be provided for all the employees in each unit of organization regardless of the character of their employment, and supplementary machinery should be organized whereby all those following a given employment, either over the service as a whole, or in major groups of organization units, may also be enabled to confer regarding matters especially concerning that employment. The size of the primary unit of representation for which machinery shall be organized and the several intermediate bodies between the primary unit and the final body are matters which cannot be arbitrarily or categorically defined but must be determined for each branch of the organization in the light of conditions there obtaining.

[1] Civil Service National Whitley Council, Report of the Joint Committee on the Organization of the Civil Service, 1920, Document No. 3804.

When the work of organizing political machinery for conference is undertaken, especial care must be taken that the machinery shall actually function, that is to say, that it shall really succeed in securing an authoritative expression of employees' opinion. The danger in any system of conference machinery organized by the management is that even with the best intentions the management may so obtrude itself into the picture that unconsciously it dominates the selection of the employees' representatives and checks the free expression of employee opinion. To prevent such a result from ensuing the management should withdraw entirely from the proceedings at the earliest possible stage in the organization process. The time and place of employee meetings, at which representatives are elected and instructed, are not without their influence in this connection. The administrator sincerely desirous of obtaining a really frank expression of employee opinion will so arrange in these respects that the presence and the influence of the management is felt as little as possible if at all.

Another error to be avoided in the development of conference machinery is the inclusion with the subordinate employees of the intermediate directing personnel. Invariably this leads to constraint on the part of subordinate employees. A common form which this error assumes is that of the so-called "staff conference" in which representatives of all the different grades of employees meet together in conference with the head of the organization without any of the groups having had any opportunity to meet individually in advance and instruct their representatives.

The Function of Employees' Committees.—The line between mere representation of employees on conference committees and their actual participation in the making of administrative decisions affecting personnel matters is, in private industry, not an easy one to draw. Even though the function of the employees' committee be nominally that of advice only, there is apt to be manifest an unexpressed but nevertheless real threat that if the wishes of the employees are not met a strike may result. To this extent any plan for conference with

employees involves to a greater or less degree the actual participation by the employees in the making of the decision, the degree of participation being determined by the actual strength of the employees and their ability to compel acceptance of their demands if it is necessary. In the public service the same situation hardly exists except perhaps in the industrial establishments in which the questions raised by conference committees are in a great many cases not peculiar to the government establishment but are general trade questions affecting also those employed in that trade in private industry. In the non-industrial branches of the service, however, the chances that the employees could or would strike are so slight that, for practical purposes, they may be neglected by the administrative officer. In these branches of the service, therefore, mere representation of the employees carries with it no implication of actual participation in the management. If it is desired to award any such participation to the employee, it must be done expressly.

The question of what further share, if any, may be awarded to the rank and file in the substantive administration of the federal business is one which, in the present state of affairs, is so entirely academic and speculative that present discussion is hardly warranted. None of the employees' organizations appears as yet to have developed even the beginnings of a program in this direction.

Employees' Organizations as Representatives of Employees before Management.—The dangers of domination by the management that are inherent in every system of conference machinery set up by the management itself has led some to take the view that the free and authoritative expression of employees' opinions can be obtained only when the management, instead of itself setting up conference machinery by administrative action, enters into conference arrangements with employees' organizations or unions already formed independently of the management. The outstanding respect in which an arrangement of this kind is likely to be superior to a system set up by the management is

that the independent associations or unions of employees may have, and usually do have, leaders who are not themselves employed in the particular organization unit, or perhaps in the service at all, and who, therefore, can meet the executives in conference with greater freedom and boldness on behalf of the employees. It is believed, however, that this view has far more validity in the field of private industry than in the federal service. Unless it is to be assumed, as it should not be, that the employees are prepared to back up the demands which they put forth in conference by a strike, it is clear that nothing can be accomplished except through a coöperative attitude on the part of the officer in charge. If such a cooperative and sympathetic attitude exists, there will be no reason ordinarily why the employees' representatives, even though they are themselves employed in the organization, should have any hesitancy about putting their demands forward.

The difficulty in the federal service or in any public service, of according to any organization standing outside the service the right to speak for the employees is that membership in such organization almost invariably involves the payment of dues and, quite frequently, the liability to additional assessment for special purposes from time to time. Almost invariably also, especially when, as in the case of the National Federation of Federal Employees and of all the postal unions, the organization is affiliated with organized labor generally, membership involves also a certain measure of financial, or at any rate moral, support of movements and principles which have no direct connection with federal employment. For these reasons it seems manifestly improper for the federal service to require of an employee, as a condition to his obtaining permission to participate in the selection and instruction of conference representatives and the like, that he assume these wholly external, and from the official standpoint wholly irrelevant, financial and moral obligations.

Even aside from this aspect of the case, however, employees' organizations are not in their nature fully efficient

as a medium of conference. In all such organizations there is an insistent pressure at all times to build up the organization. The result of this is to lay emphasis on those factors and forces which are common to the service as a whole and to neglect the peculiar and special conditions obtaining in the several branches and subordinate organization units. It is precisely in these minor divisions of the service, however, that conference machinery most needs to be consistently developed.

There is another danger here, moreover, that needs to be guarded against fully as carefully as the danger of official interference where the system of selection is official. This is the danger that the control of the employees' organizations will tend to concentrate itself in the hands of professional union officers. When a union is developed without official assistance and indeed, as so often happens, in defiance of the wishes of the management, there often comes to the fore in union circles a type of aggressive individual who sees in the organization an opportunity for self-aggrandizement which would not be open to him in the service itself. Individuals of this type, however necessary they may be in the development of the organization during its formative period, are not necessarily or even generally the most desirable type of leader or representative. When employee representation is based upon membership in the organization rather than merely upon employment itself, the tendency is, however, for this type of leadership to persist.

Up to the present time the employees' organizations, however, have furnished the chief medium of conference between employees and management in the federal service. In the industrial establishments, notably in the arsenals and navy yards, it has long been customary for the management to recognize the officers of the several trades unions to which the various classes of employees belong as speaking for the employees. In the Navy Department, this recognition has gone so far as to permit the officers of the several national trade unions affected to appear before the Assistant Secretary of the Navy to

prosecute appeals from the wage scales recommended by the departmental wage board.

For many years after the formation of the postal organizations it was customary for their national officers to confer with the departmental officers at Washington, but this condition was permitted by the departmental officers to continue only as long as the organization remained under the tutelage of the department, advocating, at least publicly, no measures with which the department did not accord. About 1912 the relations between the department and some of the postal organizations became strained; and, with the increasing militancy of those organizations, and the increasing hostility to them on the part of the Postmaster General and his assistants, it was not many months before amicable relations between the department and the unions ceased entirely. From this it was a short step to the position taken by Postmaster General Burleson of refusing to meet the representatives of the unions. Since about 1916 the contact of the postal organizations with the department has been limited to the presentation of grievances.

Outside the postal service, the organization of employees not in the recognized trades has developed only within the last few years. The National Federation of Federal Employees, however, has had remarkable success in securing recognition from the departmental authorities of its right to speak for the employees. On a number of occasions its national officers have conferred with the heads of services and departments. In one case—that of the Picatinny Arsenal—it effected an agreement with the commanding officer to treat the president of the local union as the employees' representative for the consideration of all grievances. Perhaps the most striking success of the Federation in receiving acceptance as the employees' representative, however, was that accorded it by the Reclassification Commission, which authorized the President of the Federation to nominate a member of the organization from each department to represent the employees on the central departmental coöperating committees set up by the Commission.

APPENDIX

TABLE I

Approximate Number of Civil Employees in the Executive and Administrative Services of the Federal Government

July 1, 1919[1]

The White House	47
Department of State	
Departmental	
Secretary's Office	7
Office of Under Secretary of State	23
Assistant Secretary's Office	6
Second Assistant Secretary's Office	9
Third Assistant Secretary's Office	10
Solicitor's Office	38
Office of the Director of the Consular Service	4
Chief Clerk's Office	65
Diplomatic Bureau	35
Consular Bureau	35
Division of Latin-American Affairs	6
Division of Western European Affairs	16
Division of Mexican Affairs	7
Division of Far Eastern Affairs	7
Division of Near Eastern Affairs	6
Division of Foreign Intelligence	16
Division of Russian Affairs	6
Division of Passport Control	174
Bureau of Appointments	10
Bureau of Indexes and Archives	181
Bureau of Accounts	20
Bureau of Rolls and Library	11
Translators	3
Office of Foreign Trade Adviser	51
Office of Adviser on Commercial Treaties	3
Law Editor's Office	2
War Trade Board Section	200
Total: Departmental	951

[1] *Official Register of the United States*, 1919.

Department of State—*Continued*	
Foreign Service	
Diplomatic Service (approximate)	132
Consular Service (approximate)	936
Total: Foreign Service (approximate)	1,068
Total: Department of State (approximate)	2,019
Treasury Department	
Departmental	
Secretary's Office	33
Division of Appointments	22
Auditor for the Interior Department	89
Auditor for the Navy Department	232
Auditor for the Post Office Department	551
Auditor for the State and Other Departments	106
Auditor for the Treasury Department	192
Auditor for the War Department	966
Division of Bookkeeping and Warrants	51
Chief Clerk's Office	913
Coast Guard	56
Comptroller of the Currency	165
Comptroller of the Treasury	63
Division of Customs	43
Office of the Commissioner of Internal Revenue	4,088
Federal Farm Loan Bureau	71
Division of Loans and Currency	2,204
Bureau of the Mint	13
Public Health Service	61
Register of the Treasury	554
Secret Service Division	10
Office of the Supervising Architect	215
Office of the Treasurer of the United States	1,095
Bureau of War Risk Insurance	[1]11,268
Bureau of Engraving and Printing	6,779
War Savings Division	102
Disbursing Clerk	17
Division of Mails and Files	9
Division of Printing and Stationery	28
Division of Public Moneys	23
Section of Surety Bonds	7
Secretary's Bond Roll	284
Total: Departmental	30,310

[1] As returned October 15, 1919.

Treasury Department—*Continued*	
Field Service	
Customs Service (approximate)	6,500
Internal Revenue Service (approximate)	9,967
Public Health Service (approximate)	2,500
Coast Guard Service (approximate)	5,023
Subtreasury Service	320
Custodian-Janitor Service (approximate)	5,500
Public Building Service (approximate)	120
Mint and Assay Service (approximate)	700
National Bank Examiners, Receivers, Attorneys, etc., (approximate)	700
Total: Field Service	31,330
Total: Treasury Department (approximate)	61,640
Department of Justice	
Office of the Attorney General (including Bureau of Investigation)	1,020
Special assistant attorneys	200
Offices of United States attorneys	510
Office of United States marshals	800
Customs Division	20
National Training School for Boys	62
Penitentiaries	310
United States court officials and employees (including about 200 justices, judges, officials, and employees of courts in the District of Columbia, connected with or under the jurisdiction of the Department of Justice) (approximate)	2,800
Total: Department of Justice (approximate)	5,722
War Department	
Departmental	
Office of the Secretary of War	397
Office of the Chief of Staff (including War College)	444
The Adjutant General's Office	4,532
Office of the Chief of Coast Artillery	30
Militia Bureau	37
Office of the Inspector General	34
Office of the Judge Advocate General	125
Office of the Quartermaster General, Director of Purchase and Storage	1,918
Construction Division	1,197
Office of the Chief of the Motor Transport Corps	442
Office of the Surgeon General	603

War Department—*Continued*

Departmental—Continued

Office of the Chief of Engineers	192
Office of the Chief of Ordnance	1,537
Office of the Chief Signal Officer	209
Office of the Director of Air Service	1,474
Bureau of Insular Affairs	63
Office of the Director of the Chemical Warfare Service	150
War Credits Board	3
Total: Departmental	13,387

Field Service

Purchase, Storage, and Traffic Service	59,706
Transportation Service	361
Finance Service	2,110
Real Estate Service	112
Medical Department	3,691
Engineer Department	24,030
Ordnance Department	44,964
Signal Service	841
Air Service	7,223
Motor Transport Corps	17,461
Chemical Warfare Service	926
Construction Division	19,670
Tank Corps	4
Military Headquarters	68
Board of Ordnance and Fortification	1
United States Military Academy	183
National Military Park Commissions	166
Alaska Road Commission	349
Lincoln Farm Commission	3
Total: Field Service	181,869
Total: War Department (as of August 1, 1919)	195,256

Navy Department

Departmental

Office of the Secretary	106
Office of the Solicitor	16
Office of Naval Records and Library	17
Office of Judge Advocate General	22
Office of Naval Intelligence	18
Hydrographic Office	142
Naval Observatory	46
Nautical Almanac Office	15

Navy Department—*Continued*	
Departmental—Continued	
Bureau of Navigation	145
Bureau of Steam Engineering	214
Bureau of Construction and Repair	322
Bureau of Ordnance	84
Bureau of Supplies and Accounts	448
Bureau of Medicine and Surgery	34
Bureau of Yards and Docks	257
Office of Chief of Naval Operations	71
Office of General Board	7
Office of Board of Inspection and Survey	15
Office of Compensation Board	13
Office of Naval Examining Board	4
Office of Naval Consulting Board	1
Navy Allotment Office	29
Navy Disbursing Office	117
Office of Director of Naval Communications	23
Total: Departmental	2,166
Field Service	
Navy yards and shore stations (approximate)	105,622
Total: Navy Department (approximate)	107,788
Post Office Department	
Office of the Postmaster General	
Department	1,336
Post office inspectors	422
Clerks at headquarters, Division of Post Office Inspectors	100
Total: Office of the Postmaster General	1,858
Office of the First Assistant Postmaster General	
Department	12
Postmasters:	
First-class	665
Second-class	2,539
Third-class	7,621
Fourth-class	42,259
Assistant Postmasters	2,648
Clerks	
First and second class offices	44,681
Third-class offices (estimated)	13,000
Fourth-class offices (estimated)	42,259

Post Office Department—*Continued*	
Office of the First Assistant Postmaster General—Continued	
In charge of contract stations	5,170
City letter carriers	35,024
Watchmen, messengers, laborers, printers, etc.	1,931
Screen-wagon contractors	261
Mail messengers	8,589
Motor-vehicle employees	1,809
Total: Office of the First Assistant Postmaster General	208,468
Office of the Second Assistant Postmaster General	
Department	114
Railway Mail Service:	
Officers:	142
Railway postal clerks	17,916
Substitute railway postal clerks	2,770
Steamboat contractors	262
Air mail employees	164
Star route contractors in Alaska	40
Total: Office of the Second Assistant Postmaster General	21,408
Office of the Third Assistant Postmaster General	
Department	15
Stamped-envelope agency	11
Total: Office of the Third Assistant Postmaster General	26
Office of the Fourth Assistant Postmaster General	
Department	7
Equipment shops	274
Shipment of supplies	17
Rural carriers	43,111
Village carriers	845
Motor-truck drivers and mechanics	50
Traveling mechanicians	3
Star route contractors	10,773
Total: Office of the Fourth Assistant Postmaster General	55,080
Total: Post Office Department	286,840

Department of the Interior	
Office of the Secretary	577
Office of the Solicitor	45
General Land Office and Land Service	1,381
Office of Indian Affairs and Indian Service (approximate)	5,835
Pension Office	904
Patent Office	951
Bureau of Education and Alaska Service	274
Geological Survey	930
Reclamation Service	3,305
Bureau of Mines	774
Office of Superintendent of Capitol Building and Grounds	306
Alaskan Engineering Commission (approximate)	2,064
National Park Service, and Parks and Reservations	247
St. Elizabeth's Hospital	726
Freedmen's Hospital	111
Howard University	65
Columbia Institution for the Deaf	67
Office of Recorder of Deeds	42
Office of Register of Wills	34
Territorial—Alaska (19) and Hawaii (3)	22
Total: Department of the Interior	18,660

Department of Agriculture	
Office of the Secretary	474
Office of Farm Management	148
Weather Bureau	952
Bureau of Animal Industry	4,763
Bureau of Plant Industry	1,735
Forest Service	2,835
Bureau of Chemistry	683
Bureau of Soils	164
Bureau of Entomology	425
Bureau of Biological Survey	160
Division of Publications	178
Bureau of Crop Estimates	214
States Relations Service	420
Library	34
Bureau of Public Roads	613
Division of Accounts and Disbursements	36
Insecticide and Fungicide Board	55
Federal Horticultural Board	122
Bureau of Markets	1,567
Temporary Employees	407

Department of Agriculture—*Continued*	
Miscellaneous (Includes collaborators, coöperative agents, special meteorological observers, etc.)	6,987
Total: Department of Agriculture	22,972
Department of Commerce	
Office of the Secretary	183
Bureau of the Census	1,348
Bureau of Foreign and Domestic Commerce	305
Bureau of Standards	996
Bureau of Fisheries	428
Bureau of Lighthouses	5,818
Coast and Geodetic Survey	942
Bureau of Navigation	204
Steamboat-Inspection Service	408
Total: Department of Commerce	10,632
Department of Labor	
Office of the Secretary	113
Bureau of Labor Statistics	214
Bureau of Immigration	65
Immigration Service at large	1,326
Division of Information	6
Contract Labor	44
Children's Bureau	81
Children's Bureau at large	126
Bureau of Naturalization	75
Naturalization Service at large	156
United States Employment Service	186
United States Employment Service at large	1,269
Women in Industry	14
Total: Department of Labor	3,675
Interstate Commerce Commission	
Offices of the Commissioners	28
Office of the Secretary	22
Car Service	2
Carriers' Accounts	86
Office of the Chief Examiner	54
Correspondence and Claims	27
Disbursements and Accounts	18
Dockets	23
Documents	6
Fifteenth Section Board	20

Interstate Commerce Commission—*Continued*	
Fourth Section Board	4
Indices	6
Inquiry	19
Law	6
Library	3
Locomotive Inspection	76
Mails and Files	44
Printing Section	2
Safety	75
Statistics	85
Stenography	40
Supplies	70
Tariffs	118
Valuation	1,380
Total: Interstate Commerce Commission	2,214
Civil Service Commission	
Office of the Commission	11
Chief Examiner's Office	3
Application Division	54
Appointment Division	96
Examining Division	68
Custodian Service	25
Field Force	49
Total: Civil Service Commission	306
Federal Reserve Board	
Office of members of board	9
Office of the Secretary	31
Office of Counsel	9
Division of Audit and Examination	26
Division of Statistics	32
Division of Analysis and Research	10
Division of Architecture	1
Division of Issue	49
Total: Federal Reserve Board	167
Federal Trade Commission	
Office of Commissioners	9
Administrative Department	101
Economic Department	162
Legal Department	63
Total: Federal Trade Commission	335

United States Shipping Board (including Emergency Fleet Corporation)	
Office of the Shipping Board	933
Emergency Fleet Corporation	[a] 6,458
Division of Operations	1,732
Division of the Comptroller	1,948
Total: United States Shipping Board (including Emergency Fleet Corporation)	11,071

The Panama Canal	
Washington Office	107
United States, outside District of Columbia	31

In the Canal Zone (estimated):

Department	Silver Force	Gold Force	
Operation and maintenance	8,880	1,720	10,600
Supply	4,443	382	4,825
Accounting	14	193	207
Health	1,038	204	1,242
Executive	198	384	582
Total	14,573	2,883	17,456

Total: The Panama Canal	17,594

Government Printing Office	
Office of the Public Printer	1
Office of the Deputy Public Printer	3
Office of the Chief Clerk	27
Office of the Purchasing Agent	17
Office of the Accountant	54
Computing Division	33
Emergency Hospital Section	3
Office of the Superintendent of Documents	213
Office of the Superintendent of Work	49
Office of the Foreman of Printing	14
Delivery Section	41
White House detail	6
Proof Section	304
Linotype Section	338
Monotype Section	500
Hand Section	222
Job Section	116

[a] Includes only employees of administrative and executive divisions, and excludes mechanics and other employees of the various shipyards.

Government Printing Office—*Continued*	
Money-order Section	16
Foundry Section	118
Plate-vault Section	16
Library of Congress Branch Printing Section	25
Press Division	626
Postal-card Section	36
Office of Foreman of Building	25
Forwarding and Finishing Section	401
Pamphlet-binding Section	659
Ruling and Sewing Section	293
Library of Congress Branch Binding Section	73
Office of Superintendent of Building	35
Watch-force Section	67
Engineer's Section	63
Electrical Section	79
Machine-shop Section	35
Carpenter and Paint Shop Section	25
Sanitary Section	77
Stores Division	136
Congressional Record	7
Metal Section	11
Legislative detail	9
Total: Government Printing Office	4,773
Smithsonian Institution	
National Museum	327
International Exchanges	16
Bureau of American Ethnology	17
National Zoölogical Park	59
Astrophysical Observatory	8
International Catalogue of Scientific Literature	6
Total: Smithsonian Institution	433
Alien Property Custodian	
Office of Alien Property Custodian	3
Office of Managing Director	2
Bureau of Administration	99
Bureau of Investigation	15
Bureau of Trusts	121
Bureau of Law	43
Bureau of Sales	45
Total: Alien Property Custodian	328

Other Independent Establishments, Boards, Commissions, etc.	
Bureau of Efficiency	24
United States Tariff Commission	54
Employees' Compensation Commission	49
Federal Board for Vocational Education	2,441
Council of National Defense	91
Office of the Superintendent of the State, War, and Navy Building	1,806
Miscellaneous boards, commissions, etc. (Board of Mediation and Conciliation, International (Canadian) Boundary Commission, International High Commission —United States Section, International Joint Commission of the United States and Canada, Commission of Fine Arts, Arlington Memorial Amphitheater Commission, Lincoln Memorial Commission, Commission on Memorial to Women of the Civil War, and United States Botanic Garden)	[a] 158
Total: Other Independent Establishments, Boards, Commissions, etc.	4,623
Grand Total: Executive and Administrative Services (approximate)	757,095

[a] Does not include officers and members who serve without compensation.

TABLE II

EXTENT OF THE CLASSIFIED SERVICE IN GREATER NEW YORK [1]

Service	Supervisory, technical and clerical	Subclerical	Trades	Total
Assay Office	32	12	42	86
Board of General Appraisers	50	7	—	57
Bureau of Animal Industry	151	1	—	152
Custodian Service:				—
Custom house building	2	14	33	49
Barge office	—	5	7	12
Appraisers stores	2	13	17	32
Courthouse and post office	3	23	19	45
New post office building	1	13	6	20
Brooklyn post office	2	9	11	22
Total: Custodian Service	10	77	93	180

[1] Thirtieth Report of the United States Civil Service Commission (1913), p. 173.

EXTENT OF THE CLASSIFIED SERVICE IN GREATER NEW YORK—*Continued*

Customs Service:				
Collector's office	1,164	390	5	1,559
Appraiser's	438	321	5	764
Naval Office	154	15	—	169
Surveyor's Office	105	10	—	115
Total: Customs Service	1,861	736	10	2,607
Depot Quartermaster, United States Army	87	68	33	188
United States attorney's office, southern district, New York	25	5	—	30
United States Engineer's Office:				—
First district	46	7	12	65
Second district	45	4	20	69
Third district	39	1	—	40
Total: United States Engineer's Office	130	12	32	174
Headquarters, Eastern Department, United States Army	26	—	—	26
Immigration Service	249	127	60	436
Indian warehouse	4	1	—	5
Internal Revenue Service:				—
First district	2	—	—	2
Second district	6	26	—	32
Third district	7	7	—	14
Total: Internal Revenue Service	15	33	—	48
Lighthouse Service, third district	37	11	213	261
Medical Supply Depot	12	13	—	25
Navy Yard	449	86	3,334	3,869
New York Arsenal	10	7	26	43
Post Office Service	11,021	—	10	11,031
Public Health Service	11	152	—	163
Quartermaster, United States Army, Eastern Department	48	11	17	76
Radio Service, Inspector's Office	3	—	—	3
Railway Mail Service, Second Division	351	—	—	351
Signal Office, United States Army, Eastern Department	14	2	—	16
Steamboat Inspection Service	34	—	—	34
United States Subtreasury	88	27	—	115
Superintendent of Public Buildings	6	—	13	19
United States Weather Bureau	10	2	—	12
Grand Total	14,734	1,390	3,883	20,007

TABLE III

CIVIL EMPLOYEES IN THE DISTRICT OF COLUMBIA WORKING FULL TIME AND RECEIVING NO ALLOWANCE, APRIL 30, 1919[1]

Service and Class (where number in class is 100 or more)	Total	Males	Females	Sex not reported
All Services	78,133	29,409	48,628	96
Services involving Clerical, Office, or Commercial Work	54,115	14,610	39,431	74
1. Total for Classes having 100 or more in the Administrative and Supervisory Clerical Service	371	349	21	1
Head Clerk (Group)	221	205	16	
Junior Clerical Administrator (Group)	150	144	5	1
2. Total for Classes having 100 or more in the Department Publications and Information Service	383	115	268	
Editorial Assistant	105	38	67	
Junior Information Clerk (Group)	104	21	83	
Information Aid	174	56	118	
3. Total for Classes having 100 or more in the Fiscal and Accounting Service	6,042	3,149	2,889	4
Senior Accountant	128	128	—	
Under Accounting Clerk	1,361	302	1,056	3
Junior Accounting Clerk	2,130	817	1,312	1
Senior Accounting Clerk	647	509	138	
Principal Accounting Clerk	231	216	15	
Junior Audit Clerk	482	284	198	
Senior Audit Clerk	243	192	51	
Income Tax Audit Clerk	188	109	79	
Junior Income Tax Accountant	267	257	10	
Associate Income Tax Accountant	365	335	30	

[1] From unpublished data in the files of the Reclassification Commission.

CIVIL EMPLOYEES IN THE DISTRICT OF COLUMBIA WORKING FULL TIME AND RECEIVING NO ALLOWANCE, APRIL 30, 1919—*Continued*

4. Total for Classes having 100 or more in the Mail, File, and Record Service	17,742	3,519	14,200	23
Junior Recorder	157	20	137	
Senior Recorder	1,113	207	904	2
Principal Recorder	106	66	40	
Under File Clerk	441	186	253	2
Junior File and Record Clerk	10,841	1,674	9,155	12
Senior File and Record Clerk (Group)	2,741	600	2,137	4
Principal File and Record Clerk (Group)	522	273	248	1
Head File and Record Clerk (Group)	100	85	14	1
Junior Mail Routing Clerk	485	115	369	1
Senior Mail Routing Clerk	682	126	556	
Principal Mail Routing Clerk (Group)	138	60	78	
Junior Mail Despatching Clerk	202	51	151	
Senior Mail Despatching Clerk	214	56	158	
5. Total for classes having 100 or more in the Messenger Service	3,392	2,873	503	16
Junior Messenger	1,136	856	274	6
Senior Messenger	1,951	1,721	222	8
Principal Messenger	305	296	7	2
6. Total for classes having 100 or more in the Miscellaneous Clerical Service	5,546	1,120	4,418	8
Under Clerk	594	112	482	
Junior Clerk	1,406	321	1,081	4
Senior Clerk	713	390	322	1
Principal Clerk (Group)	158	143	15	
Under Counter	383	—	383	
Senior Counter	662	15	647	
Principal Counter	155	10	144	1
Junior Verifier	894	77	815	2
Senior Verifier	581	52	529	

CIVIL EMPLOYEES IN THE DISTRICT OF COLUMBIA WORKING FULL TIME AND RECEIVING NO ALLOWANCE, APRIL 30, 1919—*Continued*

7. Total for classes having 100 or more in the Office Appliance Operating Service .	1,572	290	1,278	4
Address Plate Cutter	235	8	226	1
Address Plate Verifier	135	2	133	
Address Plate File Clerk ..	232	16	216	
Principal Address Machine Clerk	170	54	116	
Mimeograph Operator	116	93	21	2
Multigraph Operator	122	78	44	
Adding Machine Operator .	247	30	217	
Calculating Machine Operator	315	9	305	1
8. Total for classes having 100 or more in the Personnel Service	951	195	756	
Junior Personnel Clerk	256	56	200	
Senior Personnel Clerk (Group)	156	72	84	
Under Time and Pay Roll Clerk	260	22	238	
Junior Time and Pay Roll Clerk	279	45	234	
9. Total for classes having 100 or more in the Specialized Business Service	154	131	23	
Senior Transportation Rate Clerk	154	131	23	
10. Total for classes having 100 or more in the Supply and Equipment Service	2,171	994	1,177	
Junior Property Accounts Examiner	290	57	233	
Junior Purchasing Office Clerk	121	35	86	
Junior Publications Distributor	169	81	88	
Junior Stores Clerk (Military and Naval)	612	127	485	
Senior Stores Clerk (Military and Naval)	169	119	50	

CIVIL EMPLOYEES IN THE DISTRICT OF COLUMBIA WORKING FULL TIME AND RECEIVING NO ALLOWANCE, APRIL 30, 1919—*Continued*

Under Supplies Clerk	125	113	12	
Junior Supplies Clerk	481	292	189	
Senior Supplies Clerk	204	170	34	
11. Total for classes having 100 or more in the Telephone and Telegraph Operating Service	213	12	200	1
Junior Telephone Operator .	213	12	200	1
12. Total for classes having 100 or more in the Typing, Stenographic, Correspondence and Secretarial Service	15,578	1,863	13,698	17
Junior Correspondence Clerk	1,563	331	1,231	1
Senior Correspondence Clerk (Group)	315	227	87	1
Stenographer Secretary	279	61	217	1
Junior Stenographer	3,639	202	3,429	8
Senior Stenographer	737	91	646	
Principal Stenographer	236	71	165	
Junior Stenographer-clerk .	2,282	210	2,072	
Senior Stenographer-clerk .	1,155	196	958	1
Under Typist	3,256	252	3,000	4
Junior Typist	733	77	656	
Senior Typist	200	22	178	
Under Typist-clerk	800	79	720	1
Junior Typist-clerk	383	44	339	
Services Involving the Skilled Trades, Manual Labor, Public Safety, or Related Work .	15,860	11,215	4,635	10
1. Total for classes having 100 or more in the Custodial and Janitor Service	3,376	2,759	613	4
Guard	1,585	1,585		
Cleaners	1,079	1,061	14	4
Charwoman	578	—	578	
School Janitor	134	113	21	
2. Total for classes having 100 or more in the Domestic Service	113	113		
Rag Washer	113	113		

CIVIL EMPLOYEES IN THE DISTRICT OF COLUMBIA WORKING FULL TIME AND RECEIVING NO ALLOWANCE, APRIL 30, 1919—*Continued*

3. Total for classes having 100 or more in the Farm, Garden, and Park Maintenance Service	135	135		
Park Laborer	135	135		
4. Total for classes having 100 or more in the Fire Service	455	455		
Subprivate (Fire Department)	224	224		
Senior Private (Fire Department)	231	231		
5. Total for classes having 100 or more in the Police and Criminal Investigation Service	522	522		
Subprivate (Police Department)	104	104		
Senior Private (Police Department)	418	418		
6. Total for classes having 100 or more in the Printing Trades Service	6,342	2,626	3,713	3
Bindery Worker	430	3	427	
Bookbinder	386	386		
Plate Printers' Assistant	1,233	3	1,227	3
Steel and Copper Plate Printers	907	907		
Press Feeder	291	1	290	
Flatbed Pressman	247	247		
Compositor	366	353	13	
Maker-up	125	125		
Linotype Operator	144	140	4	
Monotype Keyboard Operator	119	106	13	
Proofreader	238	220	18	
Helper—G.P.O.	131	131		
Machine Operator (Light)	542	2	540	
Hydraulic and Plater Press Packer	133	1	132	
Money and Tissue Separator	235	—	235	
Paper Security Examiner	815	1	814	

CIVIL EMPLOYEES IN THE DISTRICT OF COLUMBIA WORKING FULL TIME AND RECEIVING NO ALLOWANCE, APRIL 30, 1919—*Continued*

7. Total for classes having 100 or more in the Skilled Trades and Labor Service	4,917	4,605	309	3
Chauffeur	450	450		
General Carpenter	302	302		
Electrician	167	167		
Elevator Operator	256	181	75	
Laborer	1,069	1,069		
Freight Handler	493	493		
Mail Bag Sewer	113	3	110	
Mailer and Wrapper	141	87	54	
Helper Mechanical Trades .	407	407		
Packer	132	107	25	
Teamster	175	175		
Shop Porter	1,112	1,084	27	1
Laboratory Helper	100	80	18	2
Services Involving Scientific, Technical, Professional, or Subsidiary Work	8,158	3,584	4,562	12
1. Total for classes having 100 or more in the Arts Service .	136	108	28	
Photographic Laboratory Aid	136	108	28	
2. Total for classes having 100 or more in the Educational Service	1,744	139	1,598	7
Kindergartner	137		137	
Teacher, Elementary Schools	1,052	29	1,020	3
Special Teacher, Elementary School (Group)	127	6	120	1
Teaching Principal, Elementary Schools	128	14	114	
Teacher, High School (Group)	300	90	207	3
3. Total for classes having 100 or more in the Engineering Service	506	495	11	
Junior Civil Engineer	137	137		
Mechanical Engineering Draftsman	113	103	10	
Junior Mechanical Engineer	114	113	1	

CIVIL EMPLOYEES IN THE DISTRICT OF COLUMBIA WORKING FULL TIME AND RECEIVING NO ALLOWANCE, APRIL 30, 1919—*Continued*

Assistant Mechanical Engineer	142	142		
4. Total for classes having 100 or more in the Law and Examiner Service	2,604	1,800	801	3
Junior Attorney	117	113	4	
Assistant Attorney (Group)	278	263	15	
Attorney (Group)	216	214	2	
Senior Attorney (Group)	177	177		
Under Examiner	627	108	518	1
Junior Examiner (Group)	559	402	156	1
Senior Examiner (Group)	442	342	99	1
Principal Examiner (Group)	188	181	7	
5. Total for classes having 100 or more in the Library Service	305	70	234	1
Junior Library Assistant	194	38	155	1
Library Assistant	111	32	79	
6. Total for classes having 100 or more in the Physical Science Service	225	200	24	1
Junior Chemist	101	78	22	1
Associate Chemist	124	122	2	
7. Total for classes having 100 or more in the Statistical Service	2,638	772	1,866	
Card Punch Operator	301	20	281	
Mechanical Tabulation Coder	152	13	139	
Special Mechanical Tabulation Coder	104	1	103	
Junior Statistical Clerk	929	169	760	
Senior Statistical Clerk (Group)	755	287	468	
Principal Statistical Clerk (Group)	397	282	115	

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